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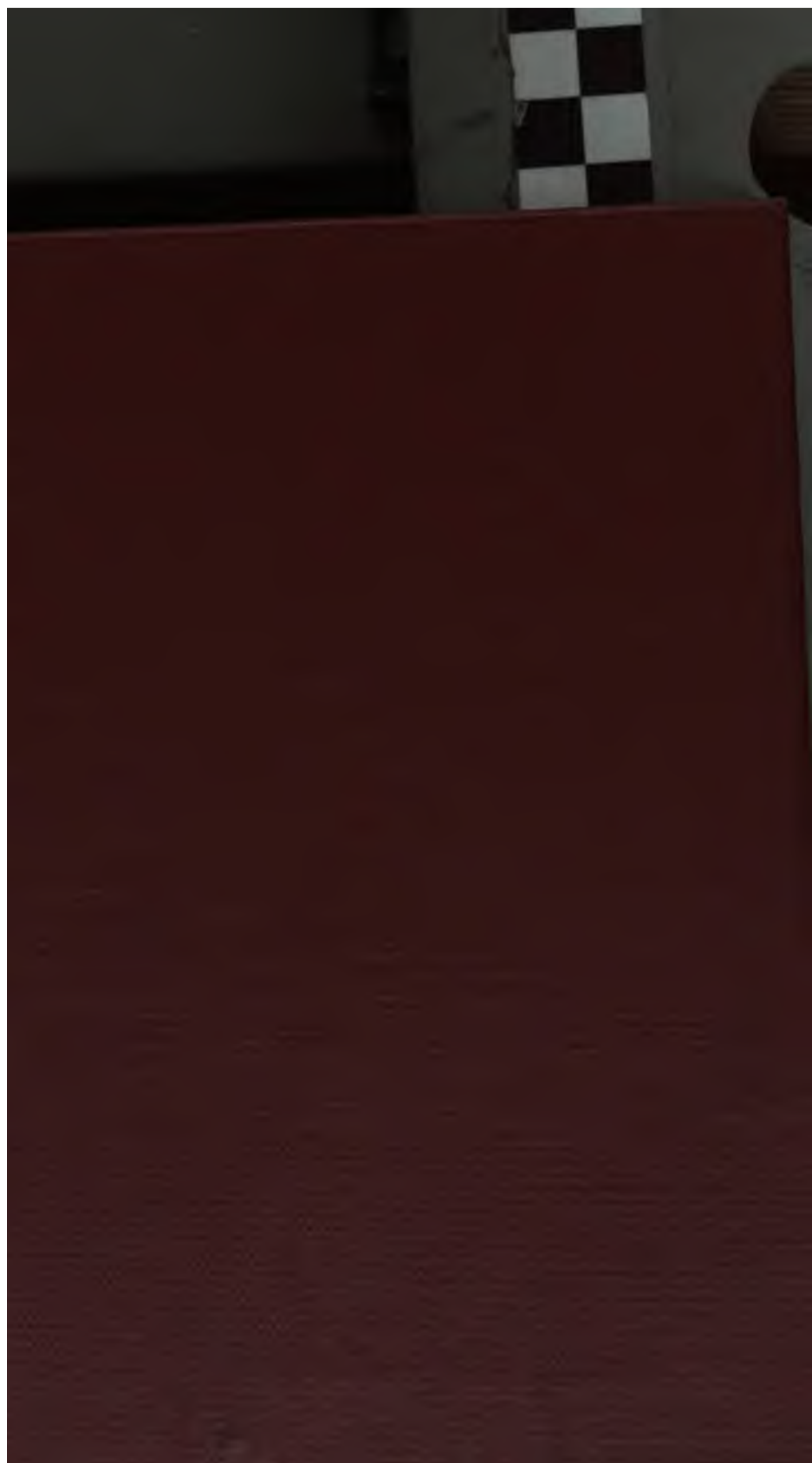
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State History Series

A

HISTORY OF ALABAMA

FOR USE IN SCHOOLS

BASED AS TO ITS EARLIER PARTS ON THE WORK OF
ALBERT J. PICKETT

BY

WILLIAM GARROTT BROWN

UNIVERSITY PUBLISHING COMPANY
NEW YORK AND NEW ORLEANS

1900

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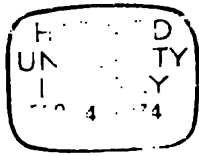
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TO THE MEMORY OF
ISHAM WARREN GARROTT
BRIGADIER-GENERAL, C. S. A.
KILLED IN THE TRENCHES
AT VICKSBURG





PREFACE.

WRITERS of history are not, as a rule, very conceited persons, yet one often finds the writer of a school history, one of the hardest forms of historical work, claiming beforehand complete success in his undertaking. For my own part, I am inclined rather to crave indulgence on the score of the difficulties that beset my enterprise. To be accurate in all specific statements, to select the really important facts out of a great number, to weave them into a story that young people will find interesting, to make the story neither too long nor too short, and to tell it in a style suited to children at the beginning of their teens—this has not been to me a simple and easy task. The scantiness of the material relating to certain periods, the undigested state of the material relating to other periods, the lack of formal histories with which to compare my own, were difficulties in my way. Other difficulties will occur to any one familiar with my subject.

If I have in any measure surmounted these obstacles, much of the credit must go, along with my sincere thanks, to those who have helped me. Albert S. Gatschet, master of the languages and history of the Southern tribes of Indians, has carefully examined and criticised for me the introductory matter on the Indians of Alabama, which is further enriched with his map. Professor W. S. Wyman has been so prodigally generous of his gleanings in that and other fields of Alabama history that I can hardly make with him the quarrel I meant to make for the inveterate modesty that keeps him from writing more himself. Hon. Hilary A. Herbert has aided me very materially in the treatment of later periods. Others who have helped with suggestions and criticisms are Judge Robert C. Brickell and Judge Thomas N. McClellan, former Governor Thomas G. Jones, Dr. J. L. M. Curry, Mr. Chappell Corey, Hon. Robert P. McDavid, and General Marcus A. Wright.

Professor Eugene A. Smith's admirable geological and physiographical study of Alabama in the Appendix speaks for itself. Mr. Peter J. Hamilton, besides the debt under which he placed me by the timely publication of his "Colonial Mobile," a work altogether creditable to the city which is its central subject, has rendered more direct and

specific kindnesses. Mr. Owens's "Bibliography" is, of course, invaluable. Professor J. H. Phillips, of Birmingham, and President James K. Powers, of the State University, have exerted themselves in my behalf. My good friends, Thomas H. Clark, of the Congressional Library, and Francis G. Caffey, of Montgomery, have placed at my disposal the results of their own studies. Other personal friends—among them two young Harvard men, Mr. Clarence R. Wilson, of Washington, and Mr. Edward Harding, of New York—have helped in various ways.

Mr. C. L. Patton, of the University Publishing Company, editor of the series, and himself at one time a resident of Alabama, has given me the full benefit of his experience in the making of school histories. He is responsible for the maps and illustrations.

Much as these gentlemen have contributed to give the book whatever merit it may have, none of them can be held responsible for any demerits and mistakes which may be charged against it.

Writing of my own people, I escaped the temptation to set down aught in malice. I have striven against the temptation to extenuate, for I have written also as an American, ardently attached to my whole country, and determined from the first that no word of mine should ever weaken in any child's mind that devotion to the great Republic which in me is grown into a passion. Yet I have not thought it right or necessary to abate one jot of that reverence for the great captains of a long-lost cause, that love and respect for its devoted private soldiers, which I learned in my own childhood, when, with boys and girls like those who will perhaps read these pages, I marched on Memorial Day to lay flowers on Confederate graves.

Yet I also wish that children who study the book may be encouraged to have their own opinions about the course our fathers took at different times. Writing the text, I have felt it necessary to withhold the criticism or praise their acts suggested. Looking over the story once more, and writing now from the outside of it, I feel like saying at least this: These fathers of ours came of a strong race, and they lived under conditions peculiarly trying to strong men. They made mistakes, no doubt, for they were only human. Yet I rise from the study of them and the State they builded with increased pride in the heritage of political ideas and social usages, of honesty, of manhood, of strength of body and cleanness of mind, which they got from their fathers and left in turn to us.

W. G. B.

November 28, 1900.

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INTRODUCTION.

THE INDIANS OF ALABAMA.

THE Indians found in Alabama by the earliest European explorers were not unlike those of later times. They were of a reddish or cinnamon-brown complexion. The men were for the most part athletic and well proportioned, and many of the women were handsome. Both sexes wore mantles made of the inner bark of trees and of a species of flax, and they adorned themselves with ornaments of shells and pearls, sometimes arranged in the form of bracelets. Many wore moccasins which were made of dressed deerskin. They usually painted their faces and bodies; some punctured themselves with needles of bone, and then rubbed in a sort of indelible ink. They dressed their heads with feathers of eagles and other birds.

The bow was the most formidable of their weapons. The string was of deer's sinews, and the arrows were made of hardened cane with heads of hard wood, fish-bone, or flint. There are probably few boys in Alabama, outside the cities, who have not seen an Indian arrow-head. Shields were made of wood, split canes, or hides. There were wooden spears, with points of flint or fish-bone, and war clubs, both oval and edged. How well the natives could use such weapons, even the armored Spaniards were made to feel.

In their social customs the early Indians did not differ much from their successors and descendants two centuries later. They drank a sort of tea known to the colonists as the "black drink." Feasts, bow shooting, ball-playing, and dancing were among their amusements. Their houses and towns, though rude, were apparently somewhat better than those of the Indians of more recent years. It seems to have been a common practice to build the houses of the chiefs on mounds of considerable height. In Mauvila the houses fronted on a large public square, and the town was encompassed by a high wall, built of tree trunks, plastered with mud. Generally each family possessed a winter house, daubed inside and outside with clay, and another, more open, for the summer.

INTRODUCTION.



BOW, ARROWS, CLUB,
AND SPEARS.

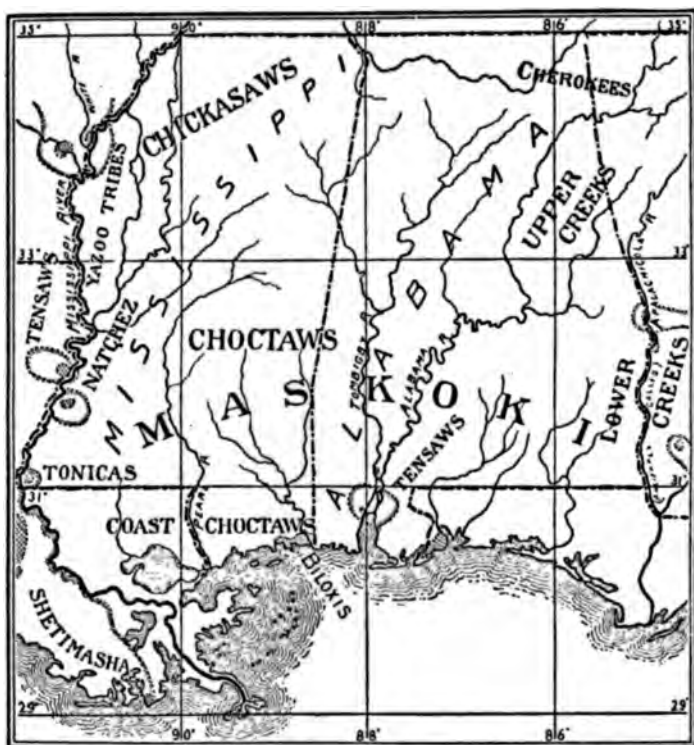
Besides the building of houses and the making of weapons, canoes, and clothing, the principal industries were hunting, fishing, and a simple form of agriculture. The fertile soil made quick returns. Peas, beans, squashes, pumpkins, and corn were grown. Persimmons were made into cakes. Corn was pounded in mortars. In digging they used rude hoes made of fish-bones or wood. The planting was done chiefly by women.

The sun was an object of worship, and the moon and certain stars were regarded with great reverence. In several places temples were found, filled with the bones of the dead. The religious ceremonies were curious and fantastic.

But for our purposes it will be best to study the Indians of Alabama, not at this early time, but some two hundred years later, when white men had begun to make settlements among them. For this later period we have sources of information more various and far more trustworthy than the narratives of the Spanish expedition. At the outset, however, we are confronted with the question whether the same races which De Soto found were still inhabiting the lands along the Alabama River in the eighteenth century. The two answers to this question can be considered more intelligently when we have taken a view of the various tribes as they existed at the later period.

The Indians who from the time of the first European settlements played a part in the history of the lands embraced in the present limits of Alabama may be treated as belonging to four geographical groups. These were the Cherokees, the Chickasaws, the Choctaws, and the Creeks. Roughly speaking, these four divisions correspond to the four corners of the State. The Cherokees, whose principal seats were in northern Georgia, eastern Tennessee, and the western parts of the two Carolinas, occupied only the northeastern corner of Alabama. The extreme northwestern corner was occupied by the Chickasaws, who also possessed

the northern portion of what is now Mississippi. The middle and southern parts of Mississippi and the western and southwestern parts of Alabama belonged to the Choctaws. The Creeks held the eastern half of



LOCATION OF INDIAN TRIBES. (Adapted from Gatschet.)

the State, south of the Cherokee country, and their domains extended into Georgia.

It is impossible, however, to fix with accuracy the boundaries of these four "nations." Only the Creeks had their principal seats in Alabama, and they occupied a larger share of its territory than any of the others. The region south of the Tallapoosa and between the Alabama and the *Chattahoochee* was a waste hunting ground.

I.

THE CHEROKEES.

Tsalagi is the correct form of the Indian name of the Cherokees. They had no kinship with the other Indians of Alabama, and spoke a different language. They were, however, brought into frequent contact with the Creeks, whose territory joined the lands of the Cherokees on the south from the Savannah River to the Black Warrior. The Cherokee territory lay on both sides of the lofty mountains of the Appalachian system. The towns of the upper or "overhill" branch lay on the head waters of the Tennessee. The lower Cherokee settlements were on the head waters of the Georgia rivers and along the Coosa and Tennessee Rivers in north-eastern Alabama. Some of these towns were visited by De Soto; and there is no reason to doubt that the Cherokee Indians were inhabiting the region at that time.

In the eighteenth century the "nation" became involved in war with the English settlers on the Atlantic coast, but ordinarily the Cherokees were friendly to the English. The English traders visited their towns, and through them made journeys to the Indian settlements in Alabama.

The Cherokee warriors are described as fine specimens of manhood, surpassing most Indian races in height. In color they were, according to a traveller who visited them in 1778, somewhat lighter than the Creeks. They had a custom of slitting and stretching their ears by a process that must have been extremely painful; and they shaved off all the hair of their heads except a small patch at the back. Their hands and feet were small. Some of the women, we are told, were very attractive in appearance.

The Cherokees were extremely fond of dancing and of ball-playing. Their burial rites were peculiar. When it was apparent that a sick man could not recover, they prepared his grave, anointed his hair, and painted his face; and when he died they buried the body immediately. His guns, bows, and household utensils were buried with him. Sometimes a heap of stones was raised to commemorate one who had died away from home and whose bones could not be recovered. Each passer-by added a stone to the pile.

The Cherokees were a warlike race and they frequently made incursions upon neighboring tribes. Honor and praise were always given to the valorous, and high social station was gained by great achievements in war. In most of their customs, however, the Cherokees resembled their neighbors the Creeks, who will be described at greater length.

II.

THE MUSCOGEE FAMILY—CHICKASAWS AND CHOCTAWS.

Passing from the Cherokees, we may say of the remaining Indians of Alabama that with the exception of a few tribes, which will be mentioned, they had one bond of connection. The great bulk of them belonged to a certain group of tribes, called the *Maskoki* or Muscogee family. The basis of this grouping is kinship of languages or dialects. In other respects the Indians of Alabama showed considerable diversity. The Choctaws and Creeks were unlike in appearance and were frequently at war with each other. But there was an affinity of the several dialects, which may be illustrated by considering the forms a particular word assumes in each. For example, the word for chief in Choctaw is *mingo*; in Chickasaw, *minko*; in Creek, *miko*; in Alabama, *miko*; in Coosawda, *miku*.

But the Muscogee tribes were not confined to Alabama. They held a commanding position in the Gulf States, extending from Florida and eastern Georgia to the Mississippi River and beyond it. The most important tribes, however, were represented in Alabama. The name *Maskoki* itself means an individual of the Creek nation, the most powerful tribe of the entire group. The plural form of the name is *Maskokalgi*, and the word is usually written *Muscogulgee* by English writers. For the purpose of clearness, scientists call the Muscogeos proper *Creeks*, and give the name *Maskoki* to the whole language-family to which the Creeks belong.

The tribes of the Muscogee group were characterized by fine qualities of body and mind, and played a great part in Indian history. In their wars with the whites they were formidable antagonists, but, like other Indian tribes, they never firmly combined against the foreign foe.

The best fighters of all the tribes were the Chickasaws. Their reputation for bravery was maintained in many wars. When the Spanish explorer De Soto was in their country they attacked his camp at midnight, terrified his army, destroyed his baggage, and burned the town in which he was quartered. Two hundred years later the French fared no better at their hands. In their contests with the neighboring Indian tribes they were usually victorious. The Choctaws, the Cherokees, and even the powerful Creeks had reason to respect their prowess. They went on many warlike expeditions to the north and west, and their hunting grounds extended as far northward as the Ohio.

They excelled also in the chase. So expert were they in tracking that

they could follow the traces of a fleeing enemy at a gallop. The warriors were not fond of agriculture. This was left to the women. The men preferred to win a livelihood by plundering enemies or pursuing game.

Towards the close of the eighteenth century the Chickasaw Indians lived in the rolling prairie country of which the county of Pontotoc, Mississippi, is about the centre. Their houses were arranged in four towns or groups of towns. The whole number of their warriors or "gun men" was but a few hundred, though the stories of their exploits in earlier times would lead us to believe they had been much more numerous. There is some evidence that at one time they had a colony on the Savannah River, opposite Augusta, Ga., but it was short-lived. One fragment of the tribe was reduced by the Creeks, with whom they have since lived.

Both in language and in customs the Chickasaws and the Choctaws were much alike. It is practically true to say that they spoke the same tongue. Together they constituted the western half of the Muscogee family.

Next to the Creeks, the Choctaws were the most important of all the Indian peoples who appear in the early history of Alabama. The first permanent settlements of Europeans were made on lands subject to them; and throughout the whole course of their dealings with the Europeans they proved themselves the white man's friends.

The limits of the Choctaw country for any particular period cannot be stated with certainty. It was bounded on the south by the Gulf; on the west it extended to the Mississippi, and emigration beyond that river began with this tribe somewhat earlier than with their neighbors. On the north were the Chickasaws. Towards the middle of the eighteenth century the ridge separating the waters of the Tombigbee from those of the Alabama was the usual boundary between the Choctaws and the Creeks, whose lands lay to the eastward.

Cha'hla, the Indian name designating an individual of the Choctaw tribe, is by some supposed to be the Indian way of pronouncing a Spanish word meaning *flat*. The Spaniards called the Indians of southern Mississippi and southern Alabama *Chalas Cabezas*, meaning *Flat Heads*, or simply *Chalas*. The French called them *Têtes-Plattes*, meaning the same thing. The name is due to their custom of flattening the heads of their male infants. The common English form of the name is Choctaw.

Their flattened heads were not the only physical marks by which the Choctaws were distinguished. They were generally darker than the Creeks. This, however, has been attributed to the smoke of their light wood fires, and to their uncleanly habits. They were not fond of water;

as a rule, they could not swim. In other respects, however, the Choctaws living away from the coast are described as generally resembling the Muscogee tribes. The southern or coast Choctaws are said to have been lazy and cowardly.

In their customs the Choctaws were more domestic and thrifty than the Creeks, and they were further advanced in the art of tilling the soil. They were not in the habit of making long expeditions outside their own country, but fought bravely when it was necessary to resist invasion. The men were not too proud to help the women work. They were hospitable, cheerful, witty, and cunning, and they excelled in oratory. In general, it may be said that they exhibited less of savage wildness and better industrial qualities than either the Chickasaws or the Creeks. Among their greatest faults were gambling, intemperance, and the habit of begging. Among their virtues should be mentioned so much of mercy as led them to kill their prisoners at once instead of torturing them for hours.

Besides ball-playing, they were very fond of a game called *chunke*. It was played on an alley two hundred feet long, with a hard clay surface. Down this alley one of the players would hurl a stone, shaped like a grindstone, two spans round and two inches thick at the edge. Another cast a pole at the running stone. If he succeeded in striking it, he counted one. The first player throw his pole at the pole thrown by the second, and scored one if he could strike it and divert it from its aim. If neither succeeded, there was no score. The game was eleven points.

Of all the customs of the Choctaws their funeral rites were the most remarkable. Like other Indians, they collected and cleaned the bones of the dead. But the details of this ceremony among the Choctaws were so horrible that it is unpleasant to read of them. In other respects, also, they were accustomed to violate rules which among



MEDICINE MAN. (Chillicothe.)

civilized people are prescribed by decency. Their religious ideas were not clearly defined. They lived close to white settlements for many years, yet the Christian missionaries were not able to make much progress among them. That they were capable of faith, however, is evident from the implicit obedience they paid to their "medicine men." When one of these pronounced a sick person incurable, the kinsmen usually strangled the patient at once.

In the southern part of the Choctaw country there were several tribes, mostly of Choctaw origin, but having different names. One of them was the Biloxi (in Choctaw *B'luksi*), who were settled in the neighborhood of the present town of that name on the Mississippi Sound. Another was the Mobilians, who were probably descendants of the people who inhabited Mauvila in De Soto's day. In 1708 the surviving Indians of this tribe were settled on Mobile Bay, to which they gave their name. A third was the Tohome, Thomes, or Thomex tribe, whose settlement was about twenty miles from the site of Mobile. Other tribes lay further west.

The Tensaw or Taensa Indians, who in early colonial times were established by the French on Mobile Bay, were not related to the Choctaws. They did not belong to the Muscogee family of tribes. They fled from their original habitations, in the present county of Tensas, in Louisiana, on account of a disastrous war with the Chickasaws. Apparently they occupied first the western and then the eastern side of the bay, and from them the Tensaw River gets its name.

III.

THE CREEKS AND THEIR CONFEDERATES.

Of all the Alabama Indians the Creeks are the most important. No other Indian race has played a more interesting part in American history. But when we speak of the Creeks it is necessary to keep in mind both the Creeks themselves—the Muscogees proper—and certain other tribes which inhabited portions of the Creek country and helped to make up what was called the Creek Confederacy.

The name *Muscogee* (*Maskoki*) is not satisfactorily explained. The Creeks themselves cannot explain it from their own language. A good theory is that it was first applied to them by other tribes. The Cherokee name for a Creek Indian is *Agása*. The English name *Creeks* doubtless arose from the large number of small streams which the traders found in the Creek country. The principal seats of these Indians were on the rivers Coosa, Tallapoosa, and Chattahoochee. They had towns also on the River Flint,

in Georgia. The dwellers on the Coosa and Tallapoosa were called the Upper Creeks; those in the Chattahoochee country in southeastern Alabama and southwestern Georgia were called the Lower Creeks. This latter term was held to include a part of the Seminoles also; for many of the Seminoles ("separatists" or "runaways") were of pure Creek stock and spoke the Creek language. The limits of the Creek country cannot be fixed exactly for any period. For the greater part of the eighteenth century, however, the "nation" may be considered as extending from near the Tombigbee River on the west, somewhat beyond the Flint River on the east; and from the Cherokee country to the neighborhood of the Gulf.

What proportion of the inhabitants of this region were pure Creeks cannot be stated authoritatively. We know that some of them were not. Some towns, it is said, were occupied by Indians who had given up their own languages and customs, and adopted those of the dominant race. Others, however, retained their own dialects, and of them it is possible to speak with more assurance. Some of them spoke dialects belonging to the Muscogee group; but several were probably bound to the Confederacy by political ties only.

The Alabama Indians belonged to the Muscogee stock, but their language differed from the Creek, and they did not lavishly adopt the Creek customs. It is probable that they were closer akin to the Choctaws than to the Creeks. The name of the tribe is written in several ways: for example, Alibamou, Alibami, Albamou, Alabamons. What the name means is not known with certainty. The towns of the Alabamas were situated along the banks of the Alabama River, not far from the point where the Coosa and Tallapoosa mingle their waters to form that stream. From one of these towns, *Átagi*, the county of *Autauga* gets its name.

The *Koassáti* or *Coosala* Indians lived on the northern side of the Alabama River, not far from the Alabama towns. They are represented as a separate tribe, but their dialect, which can be studied at the present time, differs but slightly from the Alabama. In the country of the Lower Creeks lived the *Apálachi* and *Hitchiti* tribes, whose dialects are Muscogee, but not Creek. Other tribes of the Muscogee family, like the Seminoles, lived in Georgia and Florida, but have little to do with the history of Alabama, since they did not belong to the Creek Confederacy.

In the Chattahoochee region there were also settlements of *Yuchi* or *Uchee* Indians. Though united with the Creeks politically, their language and customs indicate that they were otherwise a separate and distinct people. They are not reckoned among the Muscogee tribes at all. Their original settlement was probably on the lower Savannah River, and there

is reason to believe that one of the tribes De Soto found in that region was Uchee. Some of them removed to the Chattahoochee country about the year 1720. Here the principal Uchee town was established on the west bank of the Chattahoochee. A traveller who saw it in 1775 says: "It is the largest, most compact, and best situated Indian town I ever saw." Other Uchee settlements were on the Flint River in Georgia.

It is also believed that Indian tribes, not of the Muscogee family, lived among the Upper Creeks. There are traces of a colony of Shawnees. Taskigi, in the fork of the Coosa and Tallapoosa Rivers, is said to have been a town of foreign origin, whose people gave up their own language and customs for those of the Creeks. A like account is given of Tukabatchi, a town of much importance, as we shall see. We shall see, too, that in historical times some Natchez (Nakteho) Indians, driven from their own country on the Mississippi, got a new home on the upper Coosa River.

Coming now to the genuine Creeks, we find that they were among the most remarkable of all the Indians of North America. Less numerous and less industrious than the Choctaws, probably less striking in personal appearance than the Cherokees, and not quite as warlike as the Chickasaws, they were yet of more importance in the history of the southern country than any of their neighbors.

The Creek warrior was, as a rule, taller than the average white man, well formed, erect, and graceful. He was apt to be proud and arrogant, ambitious of conquest, and fond of arms. The women were usually small, but many of them had pleasant features and expressive eyes. Both sexes were fond of ornaments and adorned themselves with trinkets of various sorts. Earrings were commonly worn, and the heads of the warriors were often befeathered with feathers of the eagle and other birds. Their clothing was rather scanty, but when the white traders came among them those Indians who could afford it bought gaily colored garments, which they wore in fantastic ways. They also painted their faces and arms, sometimes puncturing their skin with gar's teeth and then rubbing in a dye made of the drippings of pine roots.

It is not exactly true to say that they lived in the woods. When not engaged in hunting or in war, their time was chiefly spent in their towns or villages. It is worth while for us to know what a Creek town was like.

The houses were cabins of very rude construction, the chief materials being wood and clay. They were arranged in groups or clusters, and each group of houses was inhabited by a group of kin-folk, belonging to the same clan or *gens*. This fact is worth remembering, because blood relationship was an all-important thing among the Indians, and we cannot

understand their life without some knowledge of their idea about the family. When a child was born, it belonged to the clan or gens of its mother. When a young man wished to marry, he had to take a wife from some gens besides his own. When a man was killed in a quarrel, vengeance was taken by the gens to which he had belonged. Each gens had a name, usually that of an animal, a plant, or some other natural object. Thus we hear of the bear gens, the wolf gens, the hickory nut gens, the wind gens, and the like. The number of these clans in each town varied, and the towns varied considerably in size.

Each of the towns had a public square, and in this respect differed from the smaller settlements, which may be called villages. The square was usually enclosed by four houses or sheds, which opened upon it. Each of these houses was divided into three compartments, and in each compartment were three benches or platforms, covered with matting, on which the head men and warriors of the tribe were accustomed to sit or lounge, and smoke. The right to occupy certain seats in these public houses during performances was a mark of rank and standing. As the sheds were entirely open on the inner side, the occupants of the benches could see everything that occurred in the square.

Near the square, or "great house" as it was called by some writers, was the council house or "hot house." This was shaped like a cone or pyramid, having a pole in the centre and a sloping roof of bark; on the inside, next the wall, was a circular seat. The public play-ground was also near the square.

The head man of the town was the chief, or *miko*. Each town was accustomed to take its chief from a particular family. When a *miko* died, his successor was usually the next of kin on his mother's side, in most cases a nephew. This was in accordance with the Indian notion of the family, for the father's kinsmen belonged to a different gens. The authority of the *miko* was by no means absolute; when an important question came before a tribe, such as the question of peace or war, a council was held to decide it. Great respect was given to the opinions of old men and those experienced in war and in the service of the tribe. Councils were held in the square, or, if the weather was cold, in the council house.

The Creek men were rather indolent. Their principal means for getting food were hunting and fishing. Agriculture was for the most part left to the women. In the small patches around the towns simple crops, easily raised, were planted. Corn was the commonest article of food and was usually eaten in the form of grits. The women did all the cooking and house work. They were treated with little respect or affection.

Nevertheless, they showed a dog-like fidelity to their husbands, who, when not engaged in war or in the chase, spent their time chiefly in loafing and smoking about the square, or in playing such games as chunko and ball.

The game of ball was an exciting one. The warriors of one town having challenged those of another, a day and place were appointed. Large crowds collected and wagers were made, for the Indians were great gamblers. War whoops and songs announced the approach of the contestants. Each player had two rackets or hurls, shaped like ladles or hoop nets, with handles of wood and netting of raw hide or the tendons of animals. In the centre of the field were fixed two poles, and the object of each side was to hurl the ball between these poles in the direction of its own town. At the beginning the ball was thrown in the air, and then began the wildest and fiercest of scrambles. Hair was pulled, limbs were frequently broken, and sometimes lives lost. The spectators, frantic with excitement, made higher and higher bets, until in some cases they staked the very clothes they wore. The women, running about with gourds of water, watched their chance to supply the players. The game was usually from twelve to twenty points, and the struggle sometimes lasted for hours.

Dancing was another amusement which tested the endurance of the Indians. The council house, where most of the dances were held, had no chimney. Yet a fire usually burned in the centre, and around this, in the smoky atmosphere and the fearful heat, the young warriors and maidens would dance for hours without apparent inconvenience.

IV.

THEIR CEREMONIES.

The Creeks, and indeed all the North American Indians, had a great many ceremonies. One Creek ceremony was particularly curious—the annual busk, or *puskita*. This was originally a fast; it lasted eight days, and was held about the time the crop of Indian corn matured. It marked the beginning of the new year. Strange dances, frequent baths in cold water, and the kindling of a new fire were features of the celebrations. Great quantities of the “black drink” were taken. This was brewed from the leaves of a plant—the *Ilex Cassine*, or yaupon, a species of holly still found in Alabama. The Indians were very fond of this drink. At the end of the busk all crimes that had been committed, except murder, were pardoned.

Funerals were also occasions of much ceremony. The gun, tomahawk, and other articles belonging to the dead warrior were buried with him.

But the longest of all the ceremonies was that through which the boys had to pass to become warriors. To be a warrior was to be a member of a privileged class; for fighting was the occupation held in highest honor.

The youth was for months subjected to a rigid discipline, taking physic, fasting, and living almost entirely alone. At the end of his initiation he might go on the first military expedition that offered, and by some bold exploit he could then win for himself a name, or war title; for until they became war-



TOMAHAWK OF SHELL.

riors Creek boys had only nicknames, or the names of their mothers. From earliest childhood, however, they were trained to look forward to battles and the taking of scalps; they were hardened by exposure and by scraping their knees with gar's teeth, and they were taught to be cruel.

Each town or tribe might make war when it chose. In fact, each warrior was at liberty to take the field whenever an opportunity offered. This accounts for the frequency of Indian wars. It is not known that more than half the Creek towns ever went to war at the same time. When on the war-path the warriors were called *Red Sticks*, because red was a symbol of warfare, and sending a red stick was a method by which the chiefs summoned their followers.

The war chief or great warrior in each tribe was originally distinct from the miko, whose authority was not military. In later times, however, the two offices seem to have been combined. The great warrior marched at the head of his party; the others followed in single file, each stepping in the footprints of his predecessor, and the last man obscuring the tracks so that an enemy might not know the route taken. In camp all sat in a circle, and after the signal for sleep had been given no man was allowed to stir. The attack was made secretly, if possible. The war chief having given his followers war physic, they went into the fight convinced that they had charmed lives, and they fought bravely. In the earlier times bows, arrows, war clubs, and tomahawks were their weapons, but later they purchased muskets from the white traders. While on the march they lived chiefly on parched corn, and their ability to endure thirst and hunger was remarkable. When they won a battle they killed all the distinguished warriors whom they captured, but they sometimes kept the young men and the women and children for ransom or for slavery.

The bond which united the various towns of the so-called Confederacy

was probably little more than a war alliance. A general council was held once a year at some important town, usually Tukabatchi, on the Tallapoosa. There was a chief of the whole "nation," but his power depended mainly on the respect he could inspire by his wisdom and courage. Treaties were sometimes made for all the tribes, but they were hard to enforce. Nevertheless, the fact that the towns of the Confederacy did have a sort of political connection, loose as it was, made them much more formidable than they would otherwise have been.

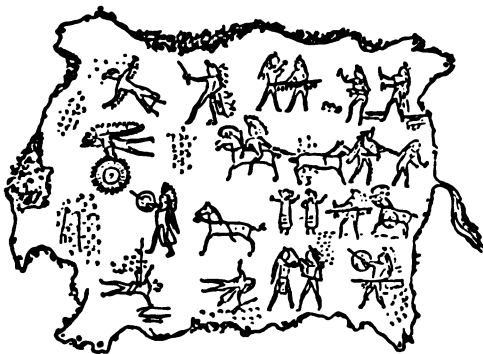
V.

ORIGIN OF THE INDIANS OF ALABAMA.

We now return to the question of the origin of the Indians of Alabama. Did they always live where the white men found them? If not, whence came they, and when did they come to Alabama? There is, also,

the further question whether the people De Soto saw were the same tribes which have just been described.

For answers to these questions we cannot go to any books or writings of the Indians themselves, since they had no written language. They had a practice of making rude drawings to express



PICTURE WRITING.

ideas and to tell about things that had occurred, such as the killing of a deer or of an enemy. But this art was not used for setting down their history. Only two sources of information are left to us—the traditions and legends recounted to early white settlers by some of the Indians, and the curious mounds or earthworks found in Alabama by De Soto, some of which have been investigated in later times.

Mounds of earth, evidently the work of human hands, are very common throughout the southern country, as they are in other parts of

North America. In the Gulf States they have been found varying considerably in height and size. Trees, evidently very old, grow on some of them, showing that they must have been erected centuries ago. Usually they have been found to contain human bones, specimens of pottery, arrow-heads, tomahawks, and the like. Some writers have held that the mounds were built by a race which inhabited the land before the red men came, but scientists now generally incline to the view that they are the work of the Indians. Specimens of the smaller mounds are numerous in the old fields along the rivers Tennessee, Coosa, Tallapoosa, Alabama, Cahaba, Warrior, and Tombigbee, but many have been worn away by the plow. They were usually



AN INDIAN MOUND.

from five to ten feet high and from fifty to sixty feet in circumference. Larger mounds have been found near Florence in Lauderdale County, near Carthage in Hale County, and at various other places.

These mounds are interesting as pointing to the antiquity of the native races, but they do not show us whence the Indians of Alabama came. For a long time it was believed that the tales and legends of the Indians themselves might throw light on the question. The Creeks had a plan of commemorating tribal events by strings of beads, each bead by its shape having a particular significance. From these beads, and from the tales told to early settlers by old men, quite a body of curious lore has been got together concerning the history of these Indians before the white men came among them. Le Clerc Milfort, a Frenchman, lived among the Creeks during the latter part of the eighteenth century and was for a while their war chief. From the beads and the tales of the Indians he made a sort of history of the Creeks, which was for a time accepted as authentic.

According to Milfort, the original home of the Creeks was in northern Mexico, and they left that country when the Spaniards, under Cortez,

overthrew the ancient Mexican Empire. When De Soto was in Alabama they were wandering in the West, pursuing the Alabamas, with whom they were at war. Finally they followed the Alabamas to the country of the Coosa and Tallapoosa and there settled, conquering the tribes which were living in those regions in De Soto's time. Several versions of this story of a migration from the west have been taken down in the language of the Indians and preserved.

For several reasons, however, Milfort's account is not now credited by students of Indian history. The Creek legends are confused and full of miraculous stories. They are also in conflict with similar traditions among other tribes. The Alabamas, for example, had a notion that their tribe came out of the earth, somewhere between the Alabama and Cahaba Rivers. Some of the Choctaws likewise held that their ancestors came out of the earth at a mound called Nani Ways, in Winston County, Mississippi.

There is very strong evidence, too, that the Creeks, the Alabamas, the Choctaws, and most of the other tribes we have mentioned were living in De Soto's time just where they were two hundred years later. The names of places mentioned by the chroniclers of De Soto's expedition correspond to later names, and evidently belong to the dialects of the Muscogee Indians. Ullibáhali, for example, is an Alabama word. Tus-kaloosa is made up of two Choctaw words, *taska*, warrior, and *lusa*, black. By such examples the students of Indian languages demonstrate pretty clearly that if the Creeks ever migrated from the west they did so long before De Soto's time. This sort of reasoning from names is one of the best means we have of getting at the truth concerning periods of which no histories exist.

As far as we can see into the mysterious past, we find the lands now covered by the State of Alabama occupied by the Indian tribes whose peculiar manner of life we have been examining. We cannot positively declare that no other race ever inhabited these regions, but it seems unlikely that any ever did. The red men have left but few traces of their occupation—mounds fast yielding to the plow, arrow-heads scattered over the soil and on the bottoms of the streams, and some sweet-sounding names of towns and rivers and hills, which white men have now adopted for themselves.

How the Indians lost possession of their homes, and who the white men were that came and took their places—these are things which a history of Alabama should make clear.

HISTORY OF ALABAMA.

CHAPTER I.

THE MARCH OF THE SPANIARD.



HERNANDO DE SOTO.

IN April, 1538, six hundred men, armed and equipped for a warlike expedition, embarked from the harbor of San Lucar in Spain. Many of them were nobles; some were knights clad in mail. Their leader was Hernando de Soto, who had won wealth and fame in the conquest of Peru. The king of Spain had recently named him governor of Cuba and commissioned him to

conquer and occupy Florida. At that time Florida meant not merely the peninsula at the mouth of the Gulf, but also unknown regions to the north and west.

Little had been discovered of the mainland north of the Mexican Gulf by the Spanish explorers who succeeded Columbus. They had passed along the shore, however, and it is almost certain that they had explored Mobile Bay. De Soto, confident that greater riches would be his reward, was eager to find out what lands and peoples, what mines of gold and what wealthy cities, lay beyond the forest walls.

In Cuba he completed his preparations. May 12, 1539,

with a fleet of nine vessels and a force largely increased, he set sail for Florida. He landed on the west coast of the peninsula, doubtless at Tampa Bay.

The arms and equipments of his troops, fashioned according to the usages of European warfare, were cumbrous burdens for such a march. They had helmets, breastplates, shields, coats of mail, swords, lances, rude guns called arquebuses, crossbows, and one piece of artillery. More than



DE SOTO'S SHIPS IN TAMPA BAY.

two hundred of the men were mounted cavaliers. Provisions, supposed to be sufficient for two years, were brought along, and there were swine, cattle, and mules. Priests and monks, with their robes, holy relics, and sacramental bread and wine, were there, bent on spreading the Christian faith among the savages. To us the importance of this expedition lies in the fact that its path was across the territory of the present State of Alabama. With the exception, perhaps, of a member of a previous expedition under Panfilo de Narvaez, these were probably the first Europeans who ever trod its soil.

De Soto and his men met with much ill fortune; but it

cannot be said that their ill fortune was altogether undeserved. In their dealings with the Indians they were haughty and cruel. An old chronicler, writing of De Soto, says: "This governor was very fond of this sport of killing Indians." In fact, throughout the history of the Spanish expeditions to North America, one finds little display of justice, not to speak of kindness, to the Indians. The cruelties of Narvaez, who had been driven on the coast of Florida eleven years before De Soto came, had left the Indians of the peninsula in a revengeful mood. There was, however, something to make up for the ill effect of Narvaez's expedition. One of his followers, Ortiz, had been captured by the Indians, and he was found and freed by De Soto's men. Having lived among the natives for eleven years, he was fitted to act as an interpreter.

De Soto spent the winter in the Florida peninsula. In March, hearing an Indian rumor about gold to the northward, he entered the territory of the present Georgia. Crossing several rivers, he came to the Savannah, and rested for some time at a town called Cofitachiqui (Cutifachiqui), the guest of an Indian "queen." Thence he proceeded in a generally northwestern direction, and in May he reached a town called Chiaha, supposed to have stood at the junction of the Oostanaula and Etowa rivers—the site of the modern city of Rome. Here he rested for a month, sending men to the northward to look for gold. The Indians in this region—doubtless Cherokees—were quite friendly. They gave De Soto some pearls, but no gold mines were discovered, and he again took up his march to the westward, compelling the Indians, as was his custom, to furnish him with bearers for his baggage. He proceeded along the west bank of the Coosa, and on July 2d entered the town of Costa. Here he stood on the soil of the present Alabama and within the limits of the present county of Cherokee; and here, for the *first time*, the natives beheld horses and white-faced men.

The next long halt of the Spaniards was at a town called Coosa (Coça), within the limits of the present county of Talladega, where they remained for nearly a month. It was, we are told, the principal town of the whole region. Its chief received the strangers with great kindness, and urged De Soto to establish a colony in the neighborhood. But the Spanish leader detained him as a hostage in order to extort slaves and provisions. The savages were indignant at this, and they fled to the woods to prepare for war. Many of them were captured and reduced to slavery.

Leaving the Coosa, De Soto now marched in the direction of the Tallapoosa. Passing several small villages, he came to Ullibahale (Ullibahali), probably on Hatchet Creek, a rudely fortified town, which made a show of resistance but soon submitted. About the middle of September the great town of Tallase (Tallise) was reached. It was almost surrounded by a river, which must have been the Tallapoosa. Here, after some days, De Soto received a visit from a young savage, the son of a powerful chief whose domains lay further west. The young man brought word that his father, Tuscaloosa (Taskalusa, "Black Warrior"), awaited the Spanish captain about thirty miles below. Thither De Soto marched after a delay of twenty days, and found the chief, a man of gigantic stature, surrounded by greater pomp than the explorers had yet seen among the Indians. He greeted the newcomers courteously but proudly. The meeting is supposed to have taken place below Line Creek, in the present county of Montgomery.

Riding side by side with the gigantic chief, De Soto continued his journey through the region covered by the present counties of Montgomery and Lowndes and southeastern Dallas. Probably in upper Wilcox they came to a town called Piache, situated on a large river—the Alabama. Thence they proceeded along the western bank of the river. Soon, however, De Soto began to suspect Tuscaloosa of hostility, and high words passed between the two. Taking Tuscaloosa

with him, and accompanied by two hundred men, he advanced ahead of the main body to the principal town of the chief, a place called Mauvila (Mavila, Mauila, Maubila). Mauvila was a fortified place of considerable size. It was probably situated at Choctaw Bluff, now in the county of Clarke, about twenty-five miles above the confluence of the Alabama and the Tombigbee.

Here the chief asked that he might no longer be required to follow the army. De Soto, who had few men with him, hesitated, and Tuscaloosa walked proudly away and disappeared in one of the houses. He was invited to the governor's table, but he declined, and warned the messenger that the Spaniards had better leave. A spy had meantime informed the governor that the houses were filled with warriors who were meditating an attack. Secretly sending word to his men outside the town to make ready for a fight, De Soto tried to conciliate the chief with kindness, but was received with scorn. One of the savages becoming insolent, a Spaniard cut him down with his sword.

A terrible conflict ensued. De Soto, at the head of his men, fought his way slowly out of the town into the plain, where most of the horses were tied. The enslaved Indians accompanying the expedition were freed by the enemy and took part in the fight against the Spaniards. The baggage was taken. The governor led his men against the savage masses, but was forced to retire, leaving a few Spaniards in one of the houses, and the Indians sallied forth on the plain. Occasionally strengthened by reinforcements from the main body of his troops, De Soto kept up the fight with indomitable heroism. The Indians were driven within the walls, and at length the hindmost of the troops came up. The Spanish leader, wounded in the thigh, fought standing in his stirrups. At nightfall, when the battle had lasted nine hours, the town was in ruins and the Spaniards had won a *victory* which was almost ruinous to themselves.

Protected though they were with bucklers and coats of mail, they had lost twenty killed. One hundred and fifty were seriously wounded, and a number died. Some of the horses were killed, and nearly all the camp baggage was burned. The loss of the savages is variously stated; probably several thousands were slain. The fate of Tuscaloosa himself is unknown.

The wounded De Soto remained for some days on the site



MAP OF DE SOTO'S ROUTE.

of Mauvila. The news had come of the arrival of the fleet at a harbor called Achusee (or Chusee), supposed to be either Pensacola or Mobile, and this was now confirmed by captives. The governor began to plan a colony in the wilderness. He learned, however, that some of the men were

bent on quitting him and sailing back to Spain, or to Peru. He therefore determined to avoid the ships. Gloomy and morose, but still nourishing the hope of finding gold, he resolved to continue his wanderings. In the middle of November he turned to the north, and the soldiers unwillingly followed. Traversing the region now covered by the counties of Clarke, Marengo, and Greene, he reached a town called Cabusto, near the place where the town of Erie once stood, on the Black Warrior River. Here a battle was fought with the savages, and the passage of the river was

attended with another conflict. Five days after leaving the Black Warrior the expedition reached the Tombigbee, somewhere within the limits of the county of Lowndes, in Mississippi.

With De Soto's later wanderings we have little to do. His expedition was a striking and curious historical incident, but its results were not of practical importance. He traversed regions destined to remain a wilderness for centuries after his death. Brave fighter as he was, he made no lasting conquests. Indefatigable in his pursuit of riches, he left his followers stripped of their very clothing. The mouth of the mighty river which he is supposed to have discovered was probably already known to Spanish adventurers in the Gulf. He himself won only a grave beneath its waters.

QUESTIONS.

Who was De Soto? What was the object of his expedition? What knowledge had the Spaniards at this time of the mainland above the Gulf? What idea had the Spaniards as to the extent of Florida? Describe De Soto's party. How did he treat the Indians? What results of Narvaez's expedition are mentioned? Tell what you know of De Soto's journey through Georgia. Trace on the map his route through Alabama. What occurred at Coosa? Tell what you know of the meeting with Tuscaloosa. Describe the battle of Mauvila. What were the consequences to the Spaniards? What other incidents of the expedition are mentioned? What was the result of the expedition?

CHAPTER II.

THE SETTLEMENTS OF THE FRENCH.



D'Aberville

It was, as we have seen, the Spaniards who first explored the region now called Alabama; but it was the French who made the first permanent settlement on its soil. Between the two events there was an interval of more than a century and a half. During these years many changes had occurred in Europe and in America.

The power of Spain, which was near its height at the time of De Soto's expedition, had vastly declined.

France and England were better equipped for conquests in the new world; and both had been actively pursuing their interests in America. The French had established themselves in the present Canada; the English had gained possession of the fairer portions of the Atlantic coast. between the French on the north and the Spanish in Florida.

For more than fifty years French fur traders had been advancing westward and southwestward along the great lakes; French priests had kept pace with the traders. In 1673 Father Marquette, a Jesuit priest, and Joliet, a trader, led a party to the Mississippi, which they descended for some distance. The young and gifted La Salle took up the work, and in 1682 he reached the Mississippi by way of the Illinois River, and descended the great stream to its mouth. Here he took possession in the name of the king of France,

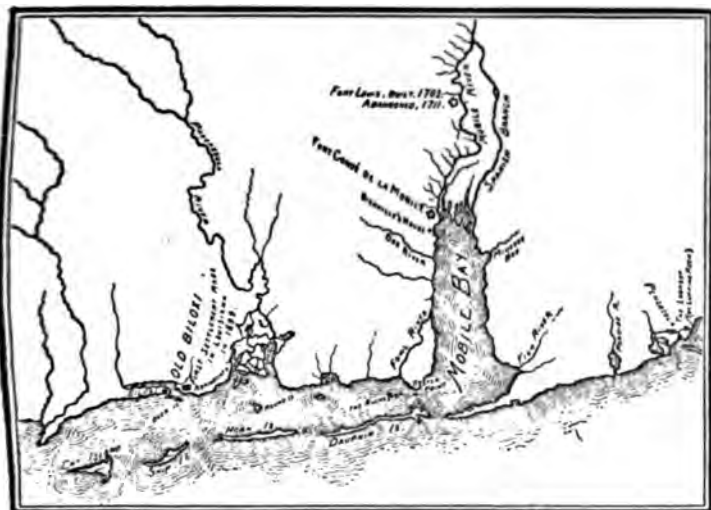
Louis XIV., in whose honor the region was called Louisiana. Leaving his companion and lieutenant, Henri de Tonty (Tonti), in command of a fort in the Illinois country, La Salle returned to France to report his discoveries and get men and stores for a colony on the Gulf.

Louis XIV., called the Great, a stately and proud monarch, approved his plans. Ships and men were provided, and La Salle sailed for the Gulf. But he failed to find the mouth of the Mississippi. Instead, he landed on what is now the coast of Texas. Misfortune overtook him. His men proved treacherous, and finally he was assassinated by one of them. War between England and France prevented any further attempt to establish a colony on the Mississippi until after the Treaty of Ryswick (signed in 1697).

At that time a naval officer named Pierre Le Moyne, Sieur d'Iberville, who had acquired some reputation in America, was in France. He was a member of a Canadian family highly distinguished in the king's service. To him was given the task of settling Louisiana, and he sailed with two frigates and two smaller vessels in the autumn of 1698. His younger brother, Jean Baptiste Le Moyne, Sieur de Bienville, accompanied him, and there were two hundred colonists in the expedition. Stopping for a while at St. Domingo, where he was joined by a warship, Iberville entered the Gulf in January, 1699. In the harbor of Pensacola he found two Spanish men-of-war, and learned that, a month before, Spaniards had established themselves on the site of Pensacola. Passing to the westward, the French cast anchor off an island now known as Dauphine Island. The date was January 31, 1699. The island and neighboring points were explored with care.

Landing the colonists on Ship Island, Iberville, accompanied by his brother Bienville, who was but eighteen years of age, set out with thirty men in a boat to find the *Mississippi*. On the third day (March 2, 1699) he entered

its mouth. Ascending the river for some distance, he found stuffs of European fabric among the Indians, and afterwards a letter which Tonty had written to La Salle. These discoveries dispelled all doubt that the Mississippi had been found again. On the return to the ships, Iberville, with



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FIRST WHITE SETTLEMENT IN LOUISIANA.

two canoes, passed through Lakes Maurepas and Pontchartrain.

A fort was erected on the eastern shore of the Bay of Biloxi, on the soil of the present Mississippi, and here the first settlement was made. M. de Sauvole was placed in command, and young Bienville was made lieutenant. The settlement took its name, Biloxi, from a neighboring tribe of Indians. In May Iberville sailed for France with the two larger vessels.

Sauvole and Bienville set about exploring the neighboring country and making friends with the Indians. In



their dealings with the natives the French, as a rule, did not follow the harsh methods of the Spaniards. The alliances they were able to form with the Indians at various times during the long struggle between France and England in America bear witness to the power of French politeness, even among savages. Bienville was zealous and successful. On an expedition to Pensacola for the purpose of observing the movements of the Spaniards, he traversed a part of Alabama. He also made another ascent of the Mississippi. Returning, he encountered an English vessel. Telling the captain that the river was not the Mississippi, and that the region already belonged to France, Bienville persuaded him to leave. The point where the meeting occurred became known as "English Turn." The incident shows, however, that the French were none too early in their attempt at colonizing the Gulf coast. Spain and England were both looking towards it.

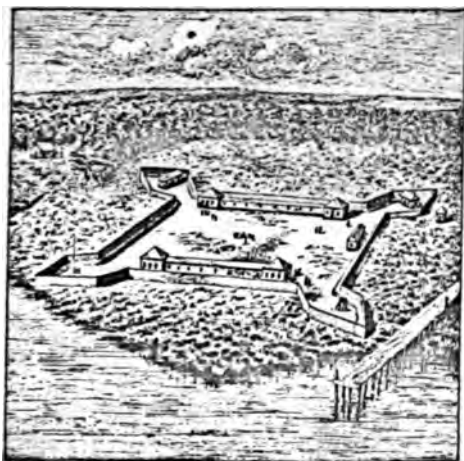
In December Iberville returned, bringing two shiploads of provisions, thirty miners, and sixty Canadian bushrangers. He also brought royal commissions for Sauvole and Bienville. Hearing the story of the English ship, he at once led a party up the Mississippi to a point eighteen leagues from its mouth, where he built a fort. In May, 1700, he again sailed for France, leaving Bienville in command on the Mississippi.

The settlement at Biloxi did not prosper. It had been threatened by the Spaniards from Pensacola, and the harbor was poor; but its failure was mainly due to the lack of supplies and the unwillingness of the colonists to cultivate the soil, instead of looking for mines. Sauvole died, and Bienville came from the Mississippi to take his place. He kept up his policy of conciliating the Indians, and tried to reconcile the Choctaws and Chickasaws, who were at war. But when Iberville returned, at the close of the year 1701, he gave orders to break up the set-

tlement at Biloxi and remove the colony to the neighborhood of Mobile Bay. On the western bank of Mobile River, a few miles above the bay, a fort was soon built, and named Fort Louis de la Mobile. Here were the first homes of white men in Alabama; and here, for nine years, was the seat of government of the colony of Louisiana. Iberville stayed long enough to see the fort completed, to receive

delegations from the Choctaws and Chickasaws, and to learn that English influence was already at work among the latter.

Under the government of Bienville the fort on Mobile River now assumed an importance which the Biloxi settlement had never attained. It was visited by Canadians from the north, by mission-



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FORT LOUIS DE LA MOBILE (1702-1711).

aries who had been at work in the Mississippi country, by Spaniards from Vera Cruz, and by delegations from the neighboring Indians. Among the latter were eight chiefs of the Alabamas, whom the French called Alibamons. With this tribe, however, friendly relations were not easily maintained. The English of the Carolina settlements had representatives among them, who were doubtless setting them against the French, and once they attacked some of Bienville's men who had been sent up the Alabama for corn. Bienville led an expedition to avenge the outrage, and de-

stroyed one of their towns. Parties of the Chickasaws and Choctaws were also engaged to punish the Alabamas. In this and other affairs with the Indians Bienville was assisted by Tonty, who had now joined his countrymen on the Gulf.

In the spring of 1704 the condition of the colony was described as follows in an official despatch :

“180 men capable of bearing arms ; 2 French families with three little girls and seven little boys ; 6 young Indian boys, slaves, from fifteen to twenty years of age ; a little of the territory around Fort Louis (Mobile) has been cultivated ; 80 wooden houses, of one story high, covered with palm leaves and straw ; 9 oxen, five of which belong to the king ; 14 cows ; 4 bulls, one of which belongs to the king ; 6 calves ; 100 hogs ; 3 kids ; 400 hens.”

This year two vessels, laden with provisions, were welcomed. On the first came Anthony Le Moyne, *Sieur de Chateaugu * (also written *Chasteaugu * and *Chateauguay*), another brother of Bienville's. On the second were soldiers, a rector sent by the Bishop of Quebec, four Sisters of Charity, and twenty-three girls, who were sent to be the wives of colonists. Within a month there were twenty-two marriages. These were the first Christian marriages ever solemnized in Alabama.

But the second vessel brought one passenger that was unwelcome—the yellow fever. Half the crew and a number of the soldiers died. Tonty was among the victims. A disastrous fire followed the pestilence. Then came further complications with the Indians. The war between the Chickasaws and Choctaws broke out afresh. Hostilities were renewed with the Alabamas, and English influence was felt to be at work among the Creeks. The commissary-general, La Salle, and La Vente, the rector, attacked Bienville in their letters to the French court. In July, 1706, Iberville, the founder and constant friend of the colony, died. Thus were Bienville's troubles multiplied.

The Lemoyne or Le Moyne family in Canada was founded by Charles Le Moyne, a Frenchman who came to Quebec in 1641. He was soldier, trader, and interpreter, and accumulated a considerable estate. Of his twelve sons, nine played parts in history, three of them becoming governors of provinces or cities. The father was the son of an innkeeper, but the "Sieur" (*sir* or *lord*) in the names of his sons shows that they had been ennobled. Besides Iberville and Bienville, three other Le Moynes figured in the southern colony. They were Chateaugué, Serigny, and Sauvole. Early writers believed this Sauvole to be the same who was placed in command of the first fort built at Biloxi, but authorities now agree that the latter was not one of the Le Moynes.

The chevalier Henri de Tonty or Tonti (1650-1704) is, next to La Salle, the most attractive and heroic figure among the French explorers. He was of Italian birth, and Tonti was probably the original form of his name. Early in his career as a soldier he lost a hand and had an iron hand put in its place; so he was known as the "iron-handed." He came to America with La Salle and was his foremost helper in his enterprises. Left by his superior in the Illinois country, Tonty sustained himself there for years with courage and wisdom, but finally came to the new settlement in the south. The place of his burial is unknown, but it was doubtless near old Fort Louis.

QUESTIONS.

Mention some of the changes in Europe and America during the century and a half following De Soto's death. What had England and France been doing in America? Describe La Salle's discovery of Louisiana and his attempt to colonize it. Describe Iberville's first expedition; his discoveries and explorations; the settlement at Biloxi. What was the policy of the French with the Indians? Describe Iberville's second visit. Why was Biloxi abandoned? Tell about Fort Louis de la Mobile. What were Bienville's relations with the Indians?—with the English?—with the Spaniards? Describe the colony in 1704. Mention the principal troubles of Bienville. Tell what you know of the following, locating places on the map: Treaty of Ryswick; Tonty; Dauphine Island; Sauvole; "English Turn"; La Vente; Chateaugué; the first wedding in Alabama.

CHAPTER III.

CROZAT'S EXPERIMENT.



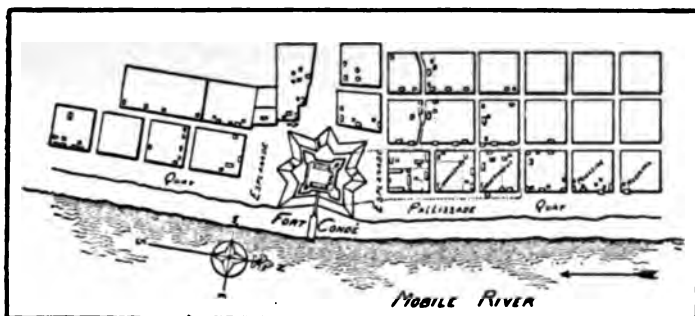
Bienville

IN all his difficulties Bienville showed firmness and courage. But the French government was becoming prejudiced by the attacks upon his administration. His requests that more laborers might be sent were not properly heeded; and the need of negroes, horses, and oxen does not seem to have impressed the authorities at home. In July, 1707, Bienville's arrest was ordered. De Muys was appointed his successor, with instructions to in-

vestigate the charges against him; but he died on the way out. Diron d'Artagnette, who was sent to take La Salle's place as commissary-general, was then entrusted with the investigation. He pronounced the accusations miserable calumnies, and Bienville was permitted to remain at his post. He again urged the necessity of negro labor in the climate of Mobile, suggesting that Indian slaves might be exchanged for negroes in the West Indies. But his superiors opposed the plan, and the colonists made little headway with agriculture. The attacks on the governor were renewed by La Vente and others, and he, losing patience, began to *make charges* against his enemies. At the close of the year

1710 these controversies were still raging, while the colonists themselves were distributed among the Indian towns to obtain food. About this time also an English corsair made a descent on Dauphine Island and pillaged it. A statement of the condition of the colony two years earlier (August, 1708) shows a total of 279 souls, of whom eighty were Indian slaves.

Early in the year 1709 the high floods swept over Fort Louis, and Bienville decided to remove the settlement to more elevated ground. He chose the site of the modern city



By permission from Hamilton's Colonial Mobile.

PORT CONDÉ.

of Mobile. Here a wooden fort was built in 1711. It was replaced in a few years by one of brick, which was called Fort Condé de la Mobile, and here many of the colonists made their homes. This was the beginning of the first city ever built by white men within the limits of Alabama.

So far, however, the colony had been a burden, rather than a source of revenue, to the French government. The settlers had raised a little tobacco and wheat, but they had found no mines of gold or silver. When D'Artaguetie returned to France he could make but a gloomy report. He found King Louis, whose brilliant reign was now drawing to an unhappy close, little disposed to make further expendi-

tures on his possessions across the Atlantic. France, in fact, was exhausted by the long wars in which it had been engaged. Finding Louisiana an unproductive investment, the king looked about for some one to take it off his hands. He found such a person in Antoine Crozat, a wealthy merchant.

By a contract signed at Paris on September 14, 1712, the king granted to Crozat the control of the commerce of Louisiana for fifteen years. In the contract the province is roughly defined as extending from New Mexico to the English colony of Carolina, and from the Gulf to "the Illinois." Crozat was authorized to open mines, which were to become his property with a reservation of a certain portion of the output to the crown. He was to become the owner of all lands on which he could set up manufactories or make other improvements. The laws and customs of Paris were to prevail in the province. Crozat, for his part, was to send every year two shiploads of emigrants to the colony, and one shipload of negro slaves from Guinea; to forfeit his lands in case the improvements on them were abandoned; and to pay the salaries of the king's officers in the colony during the last six years covered by the contract.

When Crozat's agents reached the province in May, 1713, they found that the total population, including the soldiers, was three hundred and twenty-four. The settlers were widely scattered, divided by rivers and lakes, and protected by six wretched forts, including the one on Mobile Bay and another on Dauphine Island. With the especial representatives of Crozat's interests came also a new governor for the province, Antoine de la Mothe (La Motte) Cadillac, and his family, and a new commissary-general, Duclos. Bienville was retained as royal lieutenant, second in command to the governor.

Cadillac had won some distinction in Canada, but as governor of Louisiana he was not successful. His despatches to the authorities in France show that from the first he was

disappointed in the colony. He complained of everybody and everything. Dauphine Island, he said, was a miserable spot. He represented that wheat could not be raised; that the only crops were Indian corn and vegetables; that the only hope of profit to Crozat lay in trade with the Spanish settlements and in the discovery of mines. Bienville, he said, had governed for years without finding any mines; he himself could have found them in a short time. Of the morals of the soldiers and colonists he spoke most bitterly. He wished a church erected at Mobile, but the colonists preferred not to have one.

These representations were like the reports of Bienville's old enemy, La Vente, who had described the inhabitants as chiefly drunkards, gamblers, and blasphemers.

Nevertheless, the management of Crozat did seem to stimulate the drooping colony. He sent provisions, miners, and slaves. Bienville kept at work strengthening the French interest among the Indians, which was continually threatened by the intrigues of the English from the Carolinas. To this end he effected a peace with the Alabamas, about the beginning of the year 1714, and obtained their consent to the building of a fort in their country. Obtaining also the necessary authority from the colonial council, a body intended to assist the governor in the direction of affairs, he sailed from Mobile in April with two small vessels, carrying canoes, cannon, small firearms, provisions, and merchandise for the natives. His command was made up of soldiers, Canadians, and Indians.

He sailed up the Mobile and entered the Alabama. Passing the site of Mauvila, De Soto's battleground, he arrived at one of the Alabama villages, not far above the place where Selma now stands. He also passed in succession the towns of Autauga (Atagi), Powackte (Pawoti), and Ecuncharte (Ikan-Tehati). The last was one mile west of the site of Montgomery. The Indians received him joyfully. At Coo-

sawda he left the sailing vessel, and explored both the Coosa and Tallapoosa for some distance in a canoe. Finally he fixed on the town of Tuskegee (Taskigi), on the east bank of the Coosa, four miles above the junction of the two streams, as the best place for a fort. Here the rivers are but a quarter of a mile apart. The work was begun with religious ceremonies, in the presence of many Indians. The fortification was constructed of wood, with four bastions, on each of which two cannon were mounted. It was called Fort Toulouse. One hundred years later, as we shall see, an American fort was built on the site of the Frenchman's.

Work on the fort and the exploration of the neighborhood occupied Bienville through the summer. He visited Tookabatcha (Tukabatchi) on the Tallapoosa, went among the lower Creeks on the Chattahoochee, and crossed that river into the present Georgia. On his return to Mobile he left Marigny de Mandeville in command at Fort Toulouse, with thirty soldiers and a priest.

Soon after Bienville's return Cadillac set off on a search for mines of gold and silver in the Illinois country, and he did not return until October, 1715. He represented to the government at home that on this journey he had everywhere set the Indians against the English. As a matter of fact he had aroused their anger against himself. While descending the Mississippi he is said to have declined to smoke with the chiefs of the Natchez (Naktehe) tribe, and this is supposed to have caused the hostility of that tribe to the French. Meantime, Bienville was doing all in his power to strengthen the hold of the French on the tribes lying north and northeast of Mobile. He was aided by a war between the English and the Indians on the borders of Carolina, which extended to the distant Chickasaw nation, where a number of English traders were slain. He sent to the Choctaws a demand for the head of the warrior who had introduced *the English* among them ; and a head was sent to Mobile.

Soon afterwards Bienville himself departed for the Mississippi, where he was engaged until the autumn of 1716. With much sternness and severity he punished the Natchez for the murder of some Frenchmen, and built a fort in their country. But with these events we have little to do. When he came back to Mobile, he was agreeably surprised to find orders directing him to govern the province until a successor to Cadillac should arrive.

Cadillac had been steadily losing favor with the authorities in France. Suspecting plots against himself in Mobile, he had retired to Dauphine Island, from which he issued an order forbidding all persons of low birth to carry weapons in any settlement where there was a regular garrison. Crozat became convinced that the disorders of which Cadillac was complaining were due to the governor himself. The French government decided to recall him ; and M. de l'Epiney was named as his successor. Duclos also was recalled. The new officers arrived in March, 1717, bringing with them some soldiers and emigrants. They brought the Cross of St. Louis to Bienville as a mark of royal favor, and he was confirmed royal lieutenant.

But De l'Epiney's stay was destined to be short. Crozat was finding his contract a burden. Nothing had been won from trade with the Spaniards. He now turned his attention to commerce with the Indians on the rivers above Mobile. But De l'Epiney could not make this pay, and Crozat offered to return his charter to the king. The offer was accepted, and the government of the colony was again transferred to Bienville. During the five years under the charter it had not prospered, but the population had increased to seven hundred. Some of the inhabitants had been successful in private dealings with the Indians and in a contraband trade with the Spaniards.

Crozat was born a peasant. After he had grown rich and rendered important services to the French government, the title of Marquis de

Chetel was conferred upon him, but the older nobility did not recognize him as belonging to their class. He was disappointed in his hope to espouse his daughter to a son of an ancient house, and this is said to have driven him to the Louisiana enterprise. He thought to make himself master of an empire, believing that then the proudest would acknowledge him their equal.

Antoine de la Mothe (or La Motte) Cadillac was born in Gascony, France, about the year 1660, but went early to Canada in the king's service. He laid the foundation of Detroit by building a fort there. He died in France in 1717. A contemporary describes him as "an avaricious, cunning, and obstinate man, who kept to himself everything which the court sent to the savages."

QUESTIONS.

When, why, and whither was Fort Louis removed? Why was Louisiana farmed out to Crozat? Give the principal conditions of the contract. In what state did Crozat's agents find the colony? Tell what you know of Cadillac. What reports did he make to the French government? Why, where, and when was Fort Toulouse built? Tell the story of the expedition to build it. What do you know of Cadillac's western journey? Of Bienville's dealings with the Indians? Why was Cadillac recalled? Who succeeded, and what was his policy? What was the general effect of Crozat's rule on the colony? Tell what you know of the following, pointing out places on the map: The bounds of Louisiana in 1712; Duclos; Ecuncharte; Tuskegee (Taskigi); Mandeville; the trouble with the Natches.

CHAPTER IV.

LAW AND HIS COMPANY.



JOHN LAW.

ANOTHER experiment was now tried with the colony of Louisiana. It had not prospered when administered directly by the French government, and it had made little progress under the management of Crozat. In September, 1717, it was turned over to a company, called the Company of the West. The leading man in this company was a remarkable individual named John Law.

Law was by birth a Scotchman, and had led a life of wandering and adventure throughout Europe. He had killed an adversary in a duel and had acquired some notoriety as a gambler when he first attracted the attention of the world as a financier. He had worked out a system of finance, the chief feature of which was the issue of paper money on various sorts of securities. He founded a bank at Paris, and for a time he was very prosperous. Louis XIV. had died, and as his successor, Louis XV., was a child, Philippe, Duke of Orleans, was regent of France. The

Duke lent a ready ear to Law's schemes. France was heavily in debt, and its ruler was ready to try any plan that would help him to raise money. The Company of the West was formed in the hope that Louisiana might be made the basis of a great system of credit. The powers conveyed by the new charter were various and extensive.

The apparent success of Law's schemes set Paris wild with the spirit of speculation, and all Europe was affected by the craze. Shares in the company's stock went up by leaps and bounds. The directors set to work with enthusiasm, and ship after ship, bearing colonists and supplies, was sent to Mobile. Large tracts of land were given to rich men, who engaged to send out emigrants to make settlements. In April, 1718, the news reached Mobile that Bienville had been made governor with a good salary. He at once began to seek a new location for the principal settlement of the colony, and soon fixed upon the site of New Orleans. A clearing was made at this point and a few houses built.

But his plan met with opposition. By a royal ordinance a supreme council, composed of the governor, the directors of the company who resided in Louisiana, and certain other officers, was entrusted with the management of affairs in the colony. The council, leaning to the view that commerce promised better results than agriculture, and fearing the floods of the Mississippi, voted in favor of a new settlement on the western shore of Biloxi Bay, to be called New Biloxi. Men were accordingly sent to this point to build barracks and houses, and in 1720 the government was established there. But Mobile was still the chief settlement.

Considerable numbers of negro slaves were imported for work on the plantations, and the institution of slavery was thus firmly established. The prices at which slaves should be sold to the colonists were fixed by company regulations, and it was not long before a thousand negroes had been *distributed throughout the settlements*. With this labor,

which was adapted to the climate, some progress was made in the cultivation of rice, indigo, and tobacco.

But it cannot be said that the methods of the company were as wise as they were vigorous. The regulation of the price of slaves was in keeping with the policy which had prevailed from the beginning of the French settlements. It was a policy in which the liberty and the wishes of the colonists were not considered. The prices of the things they had to sell were fixed by the same outside power which fixed the prices of the things they had to buy. One writer says that they were treated like slaves; but perhaps it would be fairer to say that they were treated like children. Their interests and desires were but little considered. The company and its interests were regarded as more important than anything else. Moreover, the colonists themselves had not been wisely selected. Many of the men were worthless characters who had never accomplished anything at home; and many of the women who were sent over to be their wives had been taken from houses of correction in Paris. Some gentlemen adventurers, however, came to try their fortunes in the new world, and doubtless also some poor people whose poverty was not caused by any faults of their own.

One source of trouble to the colony was not due to the company's mismanagement. This was a curious little warfare with the Spanish settlement at Pensacola which was caused by the outbreak of hostilities between France and Spain at the beginning of the year 1719. The news of the declaration of war reached Mobile in April of that year, and it was at once decided to attack Pensacola. Governor Bienville, with a force of Canadians and Indians, proceeded against the fort by land, while Serigny went by water with three men-of-war and a hundred soldiers. The Spanish commander, Matamora, finding himself invested by sea and land, surrendered at once (May 14). The Spanish garrison was sent to Cuba on board two of the men-of-war, and

Chateaugué was placed in command of the fort. When the vessels reached Havana, the governor of Cuba, disregarding the terms of the surrender, seized the ships, imprisoned the French crews, and sent a fleet, including the French vessels, to recapture Pensacola. Chateaugué was compelled to yield to superior force. The Spaniards then turned to Dauphine Island and endeavored to take the fort there. Serigny, who commanded at this point, made a gallant resistance and the attack failed.

A few days later three French ships of the line, commanded by M. de Champmeslin, arrived, with two vessels of the company's, and some soldiers. A council of war decided to retake Pensacola. Thither the fleet sailed, and the French and Canadian troops, with their Indian allies, were carried in sloops to the mouth of the River Perdido, from which they marched by land to the attack. On September 12, after three hours of fighting, the Spanish commander, Don Alfonzo, surrendered. The Indians, who had shown great courage, were rewarded with plunder, but were forbidden to take any scalps. Matamora, who was held responsible for the breach of faith by the governor of Cuba, was compelled to surrender his sword to a common sailor, and certain French soldiers who had deserted to the Spaniards were either hanged or condemned to serve the company as galley-slaves. Thus the short conflict resulted in victory for the French. But the next year, 1720, news came that the war between the mother countries was over, and in the end Pensacola was restored to Spain.

The rivalry of the English settlements to the east was also a source of annoyance to Bienville. Stirred up by English traders, the Chickasaws became thoroughly hostile to the French, and murdered St. Helene, who had been stationed among them to cultivate their friendship. The Choctaws were for the most part firm in their alliance with the French; but the Alabamas complained that their peltries brought *lower prices from the French traders than from the English.*

In order to meet the competition, the company decreed that merchandise should be sold to the Alabamas and Creeks at only fifty per cent. profit, while in the Arkansas country the profit was a hundred per cent.



SOLDIER AND FLAG OF FRANCE.

About this time Louisiana was divided into nine districts, of which the Alabama country was one and Mobile another.

But Law's career was as brief as it was brilliant. His Company of the West had absorbed a similar company called the Company of the East. In June, 1719, the name of the association was changed to the Company of the Indies. Early in 1720 Law became Comptroller-General of France, and the all-devouring company swallowed up the Royal Bank of the kingdom. A prodigious amount of paper money had been issued, and the imagined riches of Louisiana were the basis of the whole. The end came swiftly. The shareholders and the public became suspicious; the immense fabric of credit tottered; in December, Law himself, putting

a few hundred livres in his pocket, vanished from Paris. A council of regency took charge of the company's accounts. When the crash came, the population of the colony had reached a total of some six thousand souls, of whom a considerable number were negroes. Louisiana fell into great

distress. Once again the garrisons of Mobile and Biloxi were compelled to seek food among the Indians. The soldiers at Fort Toulouse, tortured by famine and perhaps corrupted by British influence, rose in mutiny, slew the commander, Captain Marchand, pillaged the fort, and set off towards Charleston in South Carolina. The lieutenant, Villemont, and an ensign named Paque escaped through a porthole, raised a body of Creek warriors, pursued the deserters, and overtook them. A fierce fight ensued. Sixteen of the mutineers were taken and the rest slain with the exception of two, who escaped. For a time Villemont and a priest were the only inhabitants of the fort.

At length a vessel arrived with provisions for the king's troops, bringing also the news that the affairs of the colony had been committed to three commissioners. These readily acceded to Bienville's long-cherished plan for removing the seat of government to the Mississippi. So, in 1723, New Orleans, with two hundred inhabitants, had become the capital of the colony, but Mobile continued to be the meeting place of the annual congress of Indians friendly to the French. To attend this gathering the governors came to Mobile every year. But Bienville's enemies in the colony had been busy trying to blacken his character, and next year he was recalled to France to answer the charges against him. Before he sailed, however, he issued in the king's name a series of ordinances which became known as the Black Code. This code banished all Jews from the colony, compelled colonists to accept the Roman Catholic faith, forbade white people to intermarry with negroes, and set up minute rules for the government of slaves.

Arriving in France, Bienville pleaded his own cause in an eloquent memoir to the king, describing his twenty-five years of labor in the New World. But his enemies prevailed. He was removed from office, and his brother, Chateaugué, *was also removed from his place of royal lieutenant.* For a

time M. de Boisbriant was in command ; but in August, 1726, René Boucher de la Perier (or Perière), who had been serving France in Canada and on the upper Mississippi, became governor of Louisiana.

The chief events of Perier's time do not bear directly on the history of Alabama. His administration was marked by a bloody and final war with the Natchez Indians. A remnant of the Natchez took refuge for a time among the Chickasaws, and finally made their home among the Upper Creeks. Their town, Natche, or Naktehe, was near the Coosa River, in the present Talladega County.

The expense of this war seems to have been the last straw in the burden of the Company of the Indies. It had never recovered from the failure of Law's schemes, and the returns from its mines and its trade had been disappointing. At the beginning of the year 1731 the company asked leave to surrender its charter. The petition was granted, and, in April of the next year, a royal proclamation announced that the commerce and government of the colony were again under the direct control of the crown. Louisiana now became a separate royal province. In 1733 Bienville was once more made its governor.

QUESTIONS.

Tell what you know of Law and his scheme. What was the immediate effect of the new rule in the colony ? Tell what you know of New Biloxi. What was the company's policy concerning slaves and concerning the liberty of the colonists ? What was the character of the colonists ? Tell the story of the war with the Spaniards at Pensacola. How did the English interfere with the French at this time, and how were they resisted ? Give the different names of Law's company. What became of Law ? What effect had his fall on the colony ?—at Fort Toulouse ? Tell what you know of the Black Code ; of Bienville's dismissal. How was Perier's administration distinguished ? What became of the company ? Tell what you know of the following : Philippe, Duke of Orleans ; the Supreme Council of Louisiana ; Champineslin ; Villemont ; the Natchez.



CHAPTER V.

THE APPROACH OF THE ENGLISH.

THE centre of interest in the French colony had now moved westward from the soil covered by the present State of Alabama. It was not long before Mobile became secondary in importance to New Orleans, while Fort Toulouse remained the eastern outpost of Louisiana. But it is time for us to look further east than Fort Toulouse.

We have seen how, from the first planting of Iberville's colony, white men from the Atlantic coast had been found among the Indians as far west as the country of the Choctaws and the Chickasaws. Their presence and their influence had been a stumbling-block to Iberville and his successors. Who were they, and whence did they come?

The sum of our knowledge about them is little more than this: they were English traders from the Carolinas. But this little is of vast importance, for it means that they were the advance guard in the southwestward movement of the greatest colonizers of the modern world—the British. They were probably rough specimens of manhood, but they represented a mighty race.

The land grants under the charters of the English colonies extended from sea to sea; that is to say, the English kings granted to their subjects the right to settle all lands in North America lying between certain parallels of latitude. On the south the English claimed to the twenty-ninth parallel of north latitude. This claim was disputed by the Spaniards. On the west, the French had claimed and were attempting to *colonize* the whole of the great basin watered by the

Mississippi and its tributaries, as well as the regions watered by the Alabama, the Coosa, and the Tallapoosa.

Between the English on the coast and the French in the interior was a natural barrier—the Appalachian range of mountains. In the north the principal avenue through the mountains was across New York, in those days occupied by the Iroquois Indians. In the south the best passage was around the end of the range, where it subsides into foot-hills in northern Georgia and Alabama. This was the path by which the English traders usually entered the country of the Creeks, the Choctaws, and the Chickasaws. The Cherokees held the southern end of the mountain wall, and, as a rule, they were friendly to the English.

The governors of South Carolina had done little to help the pioneer traders until the growth of Louisiana in Law's time frightened them with the prospect of French advances from the southwest and French influence among the Indians. The idea of founding below the Savannah River a colony which might become a defence for the Carolinas against the French in Louisiana and the Spaniards in Florida was then suggested, but it bore no fruit until a movement of a different sort in England began to take shape in a colonial enterprise.

The leader of the movement in the mother country was James Edward Oglethorpe, a distinguished soldier and a member of the British Parliament. In those days a man who could not pay his debts might be imprisoned, and thousands of helpless men had spent years in English prisons for this cause. For the relief of such people, and for the relief also of German exiles, driven from their country for religion's sake, Oglethorpe proposed that a new colony be founded to the southward of the Carolinas. Wealthy and generous men came to his help, and in 1732 a company was organized and a charter obtained from King George II. for the colony, which in *his* honor was called Georgia. Its

northern and southern boundaries as fixed in the charter were the Savannah and the Altamaha (Alatamaha) rivers and lines drawn from the sources of the two streams due west to the "south seas"—that is to say, to the Pacific. The grant thus included a large part of northern Alabama. Oglethorpe himself, with a hundred and twenty-five colonists, men and women, left England in November, 1732, and proceeded to lay the foundations of the new colony.

Oglethorpe dealt wisely and fairly with the Indians. In May,



1733, he assembled at Savannah a number of chiefs representing various towns of the Lower Creeks and made with them a treaty by which they placed themselves under the protection of Great Britain. A schedule of prices at which articles of merchandise should be sold to the Indians was arranged. A gun, for example, was valued at ten buckskins; a knife at one doeskin; an axo at two buckskins. The Indians further agreed to have no correspondence with the Spaniards or the French. A similar agreement was afterwards made with the Cherokees.

Notwithstanding the hostility of the Spaniards in Florida,

Georgia prospered under the rule of Oglethorpe. A beginning was made in agriculture, and the trade with the Indians was conducted with profit. Certain of the traders grew wealthy. George Galphin, a man of Irish extraction, was particularly successful. He lived on the South Carolina bank of the Savannah River, but traded in Georgia. His pack-horse men went among the Upper and Lower Creeks, the Cherokees, the Choctaws, and the Chickasaws. Bargains were struck under the very nose of the French commandant at Fort Toulouse; and the Chickasaws seem to have constantly favored the English. Thus Alabama became a battleground of the traders, and sometimes their rivalry led to expedients not so bloodless as the cutting of prices.

It was an obscure sort of contest, but it is important and interesting to us because it was waged upon the soil of our own State, and well illustrates the rivalry between France and England in planting colonies and securing trade in America. The English proved the better colonizers and the better traders. They had a great advantage in the fact that their home government left them, in large measure, free to seek their own interests in their own ways, and did not hamper them with unwise regulations, as the French government hampered the French colonists. But too much credit should not be given to the English government for this; as Edmund Burke, the great English orator, pointed out some years later, the colonists owed their freedom rather to its carelessness than to its design. They had prospered, chiefly because they had been treated with "wise and salutary neglect." But it should be remembered that Englishmen at home were accustomed to greater freedom than Frenchmen or Spaniards.

In the summer of 1739 Oglethorpe made a journey to the country of the Lower Creeks, in order to attend their great council. This was to assemble at Coweta (Kawita), a Lower



Creek town, on the Alabama side of the Chattahoochee, nearly opposite the present city of Columbus.

Oglethorpe visited some of the neighboring Indian towns, drank the "black drink," smoked the pipe of peace, and in all things bore himself with courtesy and kindness. The treaty of 1733 was confirmed and the Indians again declared their allegiance to the king of Great Britain.

Alabama at this time was the resort of various restless and enterprising spirits—French, Spanish, and English. Trade was an immediate object with most of them, but each of the three nations had designs on the country and agents at work among the Indians. The old battle of the religions was renewed among the savages. John and Charles Wesley, who were then priests of the Church of England, and who afterwards founded the Methodist Church, had come to Georgia with a hope of spreading the Protestant faith, but neither was ever in Alabama. In behalf of the Roman Catholic Church the French priests, particularly the Jesuits, were tireless in their efforts. In order to make America Catholic they were striving to make it French.

The visit of the two Wesleys, John (1703–1791) and Charles (1708–1788), is very interesting. Their missionary work in America was carried on under many difficulties, and they returned to England discouraged. It was after their return that their great work of founding the Methodist denomination was accomplished. This denomination is very strong in Georgia and Alabama, and it is worth remembering that its founders confined their labors in America entirely to the South.

QUESTIONS.

What is known concerning the white traders whom the French found among the Indians? Describe the conflicting claims of the English, French, and Spaniards. Show the importance of the Appalachian range. Explain the two chief reasons for founding Georgia. How did the colony succeed? What was going on in the Alabama country? What is said of the English as traders and colonizers? Tell the story of Oglethorpe's visit to Coweta. Tell what you know of the following: The "south seas"; George Galphin; the Wesleys.

CHAPTER VI.

THE LAST OF BIENVILLE—VAUDREUIL AND KERLEREC.

WE turn again to the west and to Bienville. After eight years of absence, he arrived at Mobile in March, 1733, and with him came Diron d'Artagnette, who was soon stationed at Mobile as king's commissary. Bienville proceeded to New Orleans and set his hand to a task which had been left as a legacy of the Natchez war.

As we have seen, a remnant of the vanquished Natchez had taken refuge among the Chickasaws, who had given them protection. The surrender of the refugees was demanded by the French; but the Chickasaws refused to give up their guests, and permitted the Natchez to set up a village near their own towns. Bienville saw that he must carry his point if the ascendancy of the French over the Indians was to be maintained. He accordingly made preparations for an invasion of the Chickasaw country.

His first step was to secure the alliance of the Choctaws. Some difficulty was encountered, as Red Shoe, one of the Choctaw chiefs, headed a party opposed to the French interests. The English, it seemed, had been quick to take advantage of the situation, and a party from Charleston had gone among the Chickasaws to confirm them in their position. Some of the English traders had visited the Choctaws, too; but in the end the great body of the latter agreed to help Bienville in the war. Orders were sent to Pierre d'Artagnette, a younger brother of Diron's, holding command in the Illinois country, to advance against the Chickasaws from the north with such force of whites and Indians as he



EXPEDITION AGAINST THE CHICKASAWS. 59

could bring. An appeal was also sent to France for arms and supplies.

It was determined to approach the enemy by way of the Mobile and Tombigbee rivers. To carry out this plan M. de Lusser, with some soldiers and artisans, was sent up the Tombigbee to build a fort which could be used as a depot of supplies. The site selected was a point now known as Jones's Bluff, and the fort was called Tombeebe. All this work took time, however, and it was the spring of 1736 before the expedition was ready to proceed. Pierre d'Artaguetto was ordered to meet Bienville in March at a point in the neighborhood of the Chickasaw villages. But at the last moment there was further delay because of the failure of supplies, and the date was changed. Bienville himself did not leave Mobile until the first of April.

All sorts of boats had been collected to convey the troops, and the expedition made a good show as it passed up the bay and entered Mobile River. There were five hundred soldiers, besides forty-five blacks commanded by a free negro named Simon. Orders were sent ahead to have bread baked at Fort Tombeebe, but there was difficulty in making ovens. Reaching the fort, Bienville was joined by Choctaw allies to the number of six hundred. He then reviewed his troops and continued his march. Heavy rains and the current of the Tombigbee made his progress slow, and it was the twenty-second of May before the expedition reached a landing place, nine miles above the Chickasaw villages.

The Choctaws were impatient at the delays and dissatisfied with the leader's plan of first attacking the Natchez village, which lay farthest north. They wished to attack the nearest first; and, as they furnished the guides, they were able to lead the army thither, and so by a ruse they accomplished their purpose. The way lay across a prairie region, at this season beautiful with grass and flowers. Scouting parties were sent to look for Pierre d'Artaguetto, but brought no

tidings of him. Neither were the Chickasaws visible along the route, but at length three of their villages were seen. Over one of the villages an English flag was flying, and from a height they occupied the French could see the bustling figures not only of Chickasaws, but of Englishmen. The Chevalier de Noyan, a nephew of Bienville's, and others of the officers now joined the Choctaws in urging an immediate attack. Led to believe that he might not find water further on, Bienville yielded, and at two o'clock on the afternoon of May 26. Noyan, at the head of a battalion of French and Swiss, with some negroes in the lead, crossed an intervening brook and charged on the nearest village.

The Chickasaws were protected by a line of stakes, behind which they stood in trenches so deep that little more than their heads appeared above the surface. The approaching column was an easy mark. Some of the negroes being hit at the first fire, the rest ran away; but the French rushed on and entered the village which displayed the English flag. They met with a warm reception and many fell. Three cabins were taken, but the main fort lay further on. The loss of a number of officers dismayed the troops, and they clung to the cabins. The attack on the fort failed. Bienville was then forced to send out another detachment to cover the retreat of the first. After the retreat the Choctaws made one rush up to the Chickasaw fortifications, but, being met by a withering volley, they retired speedily. The loss of the French was thirty-two killed and sixty wounded.

The attack was not renewed. Bienville could learn nothing of D'Artagnette, and the next day he began his retreat to Fort Tombecbe. There he left a force under Captain de Berthel, and he himself, with the main body of the troops, dropped down the river to Mobile, which he reached early in June.

Meantime, where was D'Artagnette? It was long before Bienville learned the story of his fate. With a force of



BIENVILLE RESIGNS.

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some four hundred French and Indians he had reached the Chickasaw country some weeks ahead of the force from Mobile. Unable to obtain tidings of his chief, and fearing that his Indian allies would desert him if he waited too long, he moved to attack the Natchez village. To his surprise, he encountered a force of five hundred Indians and thirty Englishmen. A short but bloody fight ended in the utter defeat of the French. This was on the twentieth of May. D'Artaguette was wounded, taken prisoner, and held until after Bienville's defeat. Then he was burned at the stake, with sixteen of his companions. The Chickasaws had thus within a week defeated both the expeditions sent against them.

But Bienville was not discouraged. He doggedly set to work to retrieve his defeat. This time he consumed four years in preparation. A new line of approach by way of the Mississippi and the Yazoo was chosen. A fort was built near the site of Memphis, and troops were drawn from the Illinois country and from France. In March, 1749, the expedition set forth. But the Chickasaws had become alarmed, and sent their chiefs to make terms. They declared that the Natchez had fled, and so a peace was arranged.

For some time, however, Bienville had been losing favor with the authorities in France, and he now requested permission to resign his office, which was granted. But he remained in Louisiana three years longer, devoting himself as before to the affairs of the colony, and especially to the task of obstructing, by every means in his power, the advance of the English traders. His successor, the Marquis de Vaudreuil, arrived at New Orleans in May, 1743, and then, after forty-four years of labor for the colony, Bienville passed forever from its shores. His zeal and his courage had been great, his mistakes not numerous, but his success had been only moderate. A boy of eighteen when he first saw the Mississippi, he left it a man far past middle life. In France he

lived to be nearly ninety. It is said that to the day of his death he never ceased to take a warm interest in Louisiana, and when a vessel came from those distant shores he was the first to board it, seeking news of the empire he had tried to build up for France in the great valley of the west.

It did seem for a time that the hold of the French on the Mississippi basin and the Gulf coast might be maintained. The decade following Bienville's departure brought a measure of prosperity. New Orleans began to profit by a trade with the Illinois country. Agriculture was spreading, and rice, indigo, and tobacco were grown in increasing quantities. About 1751 the culture of sugar cane was introduced by the Jesuits, but it was some years later before cotton began to take its place among the crops. For a time there was no important warfare with the Indians, but among the Choctaws, Red Shoe and his faction, favoring the English, continued to make trouble. Red Shoe's activity brought on a civil war in the Choctaw country, in which one side was abetted by the English and the other by the French. In the end the French party triumphed, and Red Shoe was killed. In 1752 it was decided to strike another blow at the Chickasaws, who had been attacking Frenchmen and interfering with the trade along the Mississippi. Governor Vaudreuil led an expedition against them, following the route of Bienville's march in 1736. He had a number of cannon, and food in plenty, but he fared little better than his predecessor. The Chickasaws avoided an open battle, and Vaudreuil succeeded only in destroying some of the deserted villages. A strong garrison was left at Tombecbe. This, with the garrisons at Fort Toulouse and Mobile, constituted the military strength of France at that time on Alabama soil.

The next year, 1753, Kerlerec, a naval officer, succeeded Vaudreuil as governor of Louisiana. His administration, which lasted until 1763, has little of interest for the historian



of Alabama. In fact, nothing of great importance was occurring in the colony during this period. In 1759 Bossu, a captain of French marines, made journeys to Forts Toulouse and Tombecbe, of which he has left an interesting account. He describes the Alabamas and Creeks as living contentedly and peacefully, extending a generous hospitality to the French who visited them. Their contact with the whites was beginning to have an effect on their customs; the effect on their dress was sometimes comical. The young chief of the Coweta town, who visited Fort Toulouse while Bossu was there, wore a crest of black plumes on his head, and on his body a coat of scarlet, with English cuffs, and a white linen shirt.

But if little was happening on the Gulf, great events, full of meaning for the colony, were happening elsewhere. The fate of Alabama and of vaster regions to the west was being determined in other quarters of the world.

Pierre François, Marquis de Vaudreuil, was born in Quebec in 1698. He was a son of an early governor of Canada, and he himself held that office during the war with the English. He surrendered Montreal to the British General Amherst in 1760. Returning to France after the war, he was harshly treated by the French government, being deprived of his place and his property. He died at Paris in 1765.

QUESTIONS.

How were the Chickasaws affected by the Natchez war? Describe Bienville's preparations for the Chickasaw war. What was the attitude of the Choctaws? Describe the expedition to the Chickasaw country; the battle; the retreat. Tell the story of Pierre d'Artaguet's expedition. Tell of Bienville's retirement from Louisiana and his later life. Tell of Vaudreuil's war with the Chickasaws. What does Bossu say about affairs in Alabama in 1759? Tell what you know of the following: Diron d'Artaguet; Fort Tombecbe; the Chevalier Noyan; Kerlerec.



CHAPTER VII.

THE RULE OF THE BRITISH.

THE middle of the eighteenth century saw the end of the long struggle between France and England in North America. The final contest involved nearly all the nations of Europe, and was waged by land and sea in every quarter of the world. It is known in Europe as the Seven Years' War, but in America it is called the French and Indian War. Canada was the chief seat of the French power, and in Canada and along its borders most of the battles were fought. The southern colonies took no part in the fighting.

The English began badly, but they were in the end completely victorious. In 1759 Quebec was taken, and the next year Vaudreuil, who was now governor of Canada, surrendered the whole province. But the war in Europe and on the ocean lasted two years longer, and it was not until February 10, 1763, that the final treaty of peace was made. This treaty is known as the Peace of Paris, and Great Britain, France, Spain, and Portugal were the parties to it. Spain had come to the assistance of France in 1762, and the city of Havana, Cuba, had been taken by the British.

France ceded to Great Britain all her possessions in North America east of the Mississippi, except New Orleans and "the island on which it stands." By the "island" was meant the land surrounded by the Mississippi and Iberville rivers, Lakes Maurepas and Pontchartrain, and the Gulf. Spain ceded to Great Britain the whole of Florida, including Pensacola, and Great Britain restored Havana to Spain.

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Some time afterwards it was learned that by a secret treaty made in 1762, France had ceded to Spain the remainder of her possessions in North America, and so Spain came into possession of the vast and unknown regions west of the Mississippi, as well as New Orleans.

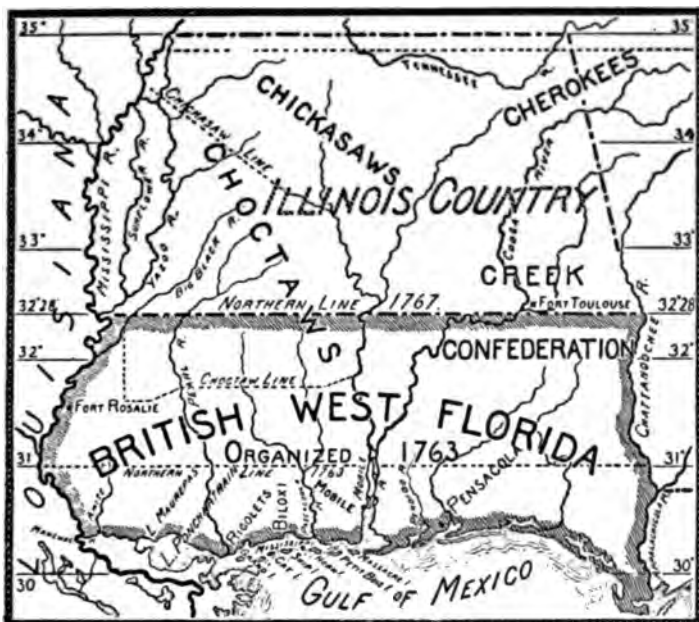
Thus, long before the State of Alabama began to exist, it was decided that men of English birth should possess the lands now embraced within its limits. No longer a border-land between the colonies of two great nations, the soil was finally given over to English speech and English laws. Nothing we shall have to tell hereafter will be of greater importance than this.

Now that all the land east of the Mississippi River, except New Orleans, belonged to England, the king could fix the boundaries as he pleased. This he did in a proclamation on October 10, 1763, and the geographical changes he made may be summed up as follows :

1. The southern boundary of Georgia was shifted from the Altamaha River to the St. Mary's. From the source of the St. Mary's it ran due west to the head of the Appalachicola River, and from that river to the Mississippi the 31st parallel was the southern boundary. It was so defined in a new commission issued to Governor Wright of Georgia in 1764, but no charter fixing these boundaries was given to Georgia.

2. The remainder of Florida, together with that part of Louisiana lying east of the Mississippi and south of parallel 31, was organized into two provinces, which were named East and West Florida. East Florida extended as far west as the Appalachicola River. West Florida extended from the Appalachicola and Chattahoochee rivers to the Spanish possessions, thus including Pensacola, Mobile, and what is now the coast counties of Alabama and Mississippi. At first the northern boundary of West Florida was the line of 31° north latitude ; but it was found that this *left the white settlement around Fort Rosalie (now Natchez,*

Miss.) without courts or government, and therefore in 1767 West Florida was enlarged and its northern boundary was fixed at a line drawn due east from the mouth of the Yazoo River to the Chattahoochee. This was the line of $32^{\circ} 28'$ north latitude. It struck the Tombigbee River a little be-



low the present town of Demopolis, and the Alabama a little below the junction of the Coosa and the Tallapoosa.

3. Above the line of $32^{\circ} 28'$ was a vast region, stretching as far north as the present Michigan, and extending from the Appalachian chain to the Mississippi. Several of the colonies along the Atlantic coast claimed slices of this "Illinois country," but the king, in his proclamation, set it apart as a home for his Indian subjects, under the governors of

MOBILE SURRENDERED TO THE ENGLISH. 67

the coast provinces, and forbade the whites to settle there for the present.

The vanquished French, as a rule, retired beyond the Mississippi or returned to France. In and around Mobile, however, a considerable number of French families remained, and their descendants have for generations formed a respectable element in the population of that region. In October, 1763, the French commandant at Mobile surrendered the fort to Major Robert Farmer, representing the English. In November Fort Tombecbe was delivered to Captain Thomas Ford, who garrisoned it with British troops. About the same time the commandant at Fort Toulouse, having waited in vain for the British to appear, spiked his cannon, cast a large quantity of powder into the Coosa, and left the fort without a garrison.

The first governor of British West Florida was Captain George Johnstone, of the Royal Navy. Arriving at Pensacola in February, 1764, he issued a proclamation defining the limits of the province. Fort Condé at Mobile was improved and garrisoned, and its name was changed to Fort Charlotte, in honor of the English queen. Fort Toulouse was also occupied for a time, but it was subsequently abandoned, and the fort went to ruins. Pensacola became the capital.

The British adopted a liberal policy of land grants to encourage immigration. For the most part the immigrants sought the rich lands near the Mississippi. Thither they proceeded from the Carolinas by way of the Tennessee, and from Georgia through the Creek country. Before long others came from New England, from Great Britain, Ireland, and the West Indies. Negroes were imported under English rule, as they had been under the rule of the French.

The annals of West Florida are not of the first importance to the student of Alabama history. Outside the neighborhood of Mobile no permanent settlements were made. About

Mobile, however, and along the river above the town, were a number of plantations. Among the exports from Mobile and Pensacola were indigo, corn, rice, tobacco, tar, and



SEAL OF BRITISH WEST FLORIDA. (OBVERSE.)

lumber. Cotton was cultivated to some extent, and rude machines were devised even at that day for separating the lint from the seed. Contrary to Spanish law, there was a trade with the Spaniards in negroes.

In the spring of 1765 there was a great gathering of Chickasaws and Choctaws to attend a council at Mobile. Governor Johnstone and Captain John Stewart, British Superintendent



SEAL OF BRITISH WEST FLORIDA. (REVERSE.)

of Indian Affairs in the south, were present. Agreements were made concerning trade and the safe passage of immigrants through the Indian country. Some of the coast *Choctaws* and part of the *Alabumas* had followed the French

beyond the Mississippi and settled in Louisiana. The remaining tribes proved friendly to the English.

Governor Johnstone was succeeded in 1767 by Governor John Elliott. Elliott soon died, and Lieutenant Governor Montfort Browne took his place. But in 1771 Browne became governor of the Bahamas, and the Hon. Peter Chester was commissioned governor of West Florida. He was highly esteemed, and the colony flourished under his administration, which ended only with the end of British rule in the province.



BRITISH SOLDIER AND FLAG.

We are fortunate in having a good account of the condition of things around Mobile and in the Indian country during the period of British possession. William Bartram, a botanist, passed through the Cherokee and Creek countries, and in the year 1777 he visited Mobile and Pensacola. Much of our information concerning the Indians given in previous chapters is obtained

from his *Travels*. He tells us that Mobile extended about half a mile from the river, but many of the houses were now in ruins. A few good buildings were inhabited by immigrants from France, Ireland, Scotland, England, and the northern English colonies. Swanson and McGillivray, who conducted the *trade with the Indians*, had a large establish-

ment in the town. Above the town there were some handsome plantations. Fort Charlotte, at the lower end, near the bay, was a substantial structure of brick. In the Creek country, near the site of the present city of Montgomery, Bartram met a party of emigrants from Georgia, making their way southwards, who are believed to have been the first English-speaking settlers in the present Baldwin County.

But once again we must turn to the east for events of importance to the history of Alabama.

[PUBLISHERS' NOTE.—The English of the Latin words on the circumference of the SEAL OF BRITISH WEST FLORIDA (OBSERVE) is: "Seal of Our Province of West Florida," and the English of the words at the foot, as translated by Dr. Gildersleeve, is: "Avail thyself of bettered Fortunes." The Latin words on the circumference of the REVERSE of the seal are in full as follows: "*Georgius III. Dei Gratia Magnæ Britannię, Franciæ et Hiberniæ Rex, Fidei Defensor, Brunsvici et Luneburgi Dux, Sacri Romani Imperii Archi-Thesaurarius et Princeps Elector.*" These words translated into English are: "George III. by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, High-Treasurer and Prince Elector of the Holy Roman Empire." The words round the inner circle on the REVERSE and the words underneath are French, and the English is: "Evil be to Him that Evil Thinks. God and My Right."]

QUESTIONS.

Explain with the map the geographical results of the war between England and France. What became of the French in Alabama? Name the several governors of British West Florida. What were the chief events during the period of British rule? What was the condition of Mobile and the country just above it? What was the attitude of the Indians? What do we learn from Bartram? Tell what you know of the following: Major Robert Farmer; Fort Charlotte; Swanson and McGillivray.



CHAPTER VIII.

THE REVOLUTION.—MCGILLIVRAY.

WHAT was happening this time was the American Revolution. England had scarcely driven the French from the continent when her own colonies began to show a spirit of independence. In 1775 fighting began in Massachusetts, and the conflict soon raged along the whole coast from Canada to Florida.

For a while West Florida was not involved. Its English-speaking population was largely official, and many of the planters were recent immigrants, not yet strongly attached to the soil. They made no move for independence, and the colony was as quiet as before the war began. The coming of a number of loyalist refugees from Georgia and other colonies, where for a time the Whigs, as the patriot party was called, had the upper hand, was the first effect of the struggle in the country about Mobile. These refugees found no difficulty in passing through the Creek country, for the Creeks were friendly to the British cause.

The attitude of the Creeks was due chiefly to Alexander McGillivray, one of the most remarkable men ever born on Alabama soil. This man's father, Lachlan McGillivray, a runaway from a Scotch home, came to South Carolina a boy of sixteen. A trader employed him to accompany an expedition to the Chattahoochee. There he swapped a jackknife for some deerskins, and thus began business for himself. In a few years he was a prosperous trader. At the Hickory Ground, an Indian village a few miles above Fort Toulouse, he found on one of his expeditions a dusky maiden called

Sehoy Marchand, a daughter of that Captain Marchand who was murdered by his mutinous soldiers in 1722. The mother of Sehoy was a Creek woman of the clan or gens of the Wind—the gens from which the Creeks were accustomed to choose their chiefs. McGillivray took Sehoy to be his wife, and they were the parents of Alexander McGillivray, who was born probably about the middle of the century.

When the boy was fourteen years of age, his father, who was now wealthy, took him to Charleston to be educated. He made good progress in his studies, but he was not content to be separated from his mother's people. About the time the Revolution broke out he disappeared in the Creek country, and when we next hear of him he was presiding at a national council at Coweta (Kawita). Here he was introduced to Le Clerc Milfort, an adventurous Frenchman, who was living among the Indians. Milfort was a military man. McGillivray, slender and rather delicate, was more inclined to diplomacy and statecraft. The one became the civil chief, the other the war leader, of the Creeks. Like his father, Alexander McGillivray was royalist in sympathy. Colonel Tait, an English officer stationed at the Hickory Ground to conciliate the savages, found him an able helper, and together they kept the Creeks hostile to the Whigs throughout the war. The rank and pay of a colonel in the British service were given to McGillivray.

The British in West Florida were thus protected on the east; but the first attack came from the west, not from the east. In March, 1778, James Willing, of Philadelphia, appeared with a small force in the Natchez country, authorized to recruit for the American service. Knowing that most of the inhabitants were loyal to Great Britain, he at first asked them only to take an oath of neutrality. Shortly afterwards, however, he captured an English vessel on the Mississippi, took it to New Orleans, and sold it. Returning, *he proceeded to plunder the planters.* The settlers formed

an association to protect themselves ; drove Willing out of the country ; repaired old Fort Rosalie, now called Fort Panmure ; swore allegiance to the king ; and called on General Campbell, who commanded at Pensacola, for some soldiers and a leader. Campbell sent them a Captain Michael Jackson, who behaved no better than Willing. He soon got into trouble with the settlers, and before long was forced to leave. The Americans, however, were too busy in the east to send an expedition in that direction, and the royalists were in little danger until a new actor appeared on the scene.



Don Bernardo de Galvez

This was Don Bernardo de Galvez, the Spanish governor of New Orleans, a man of great energy and ability. In 1779 Spain went to war with Great Britain, as France had done the year before, and Galvez at once set about the conquest of British West Florida. In September he took the forts on the Mississippi, and then made ready for an attack on Mobile. In March, 1780, he landed an army below the city, planted a battery before Fort Charlotte, and soon forced the commandant to surrender. The capitulation included all the dependencies of Mobile, from the Perdido River to the Pearl. Pensacola was attacked the following May. General Campbell, the commandant, made a vigorous defence, assisted by a party of Creeks, under William Augustus Bowles, but Galvez was completely successful. Campbell surrendered not merely Pensacola but the whole of West Florida.

Meanwhile, the loyalists in the Natchez country were having a hard time. By a stratagem they had retaken Fort Panmure, and they were hoping for help from the east when news came of the taking of Pensacola. Abandoning the

fort, they fled to the wilderness, and set forth on an overland journey to Savannah, which was now in the hands of the British. A party of men, women, and children made their way, with much suffering and heroism, from the Mississippi to the Coosa, and finally reached the country of the Creeks, who gave them protection and helped them on to the east. The refugees thus traversed the modern States of Mississippi and Alabama. The later events of the war had no special bearing on West Florida.

The long struggle for independence was ended by three great treaties signed September 3, 1783, and taking effect at the same time. One was between Great Britain and the United States, and recognized the colonies as independent States. This was the Treaty of Paris. The second was between Great Britain and Spain, and was signed at Versailles. The third, also signed at Versailles, was between Great Britain and France.

The Mississippi became the western boundary of the United States; this applied to those States which claimed slices of the "Illinois country." The southern boundary was described as a line drawn along the 31st parallel of north latitude from the Mississippi to the Chattahoochee, down the Chattahoochee to the head of the Appalachicola, thence direct to the head of the St. Mary's River, and down the St. Mary's to the Atlantic.

Great Britain confirmed Spain in the possession of West Florida and ceded to her East Florida. The northern limit of West Florida was not defined in the treaty, but the entire province was ceded to Spain, and its northern line since 1767 had been $32^{\circ} 28'$. Thus it will be seen that by two treaties, which took effect at the same time, the land between parallels 31° and $32^{\circ} 28'$ was ceded by Great Britain to Spain and also included within the boundaries of the United States. This was a cause of controversy between the two countries. Spain occupied the region in dispute, and held it until the controversy was settled several years later.

Georgia still maintained its claim to the territory of the present Alabama north of the 31st parallel, and South Carolina, under its original charter, had a claim to a strip, twelve miles broad, lying just below the 35th parallel which is now the northern boundary of our State.

Thus Alabama continued to be a land of claims and counter claims, and did not begin to take any final shape on the map. For the time, the chief historical interest lay in the first claimants of all—the Indians. McGillivray was having a good opportunity to display his remarkable talent for intrigue and diplomacy. He had no reason to like the American patriots. His father, who was a royalist, had left the country; and the wealth which the son might have inherited was confiscated. So the son formed an alliance with the Spaniards in 1784, and made arrangements for giving them the control of the commerce with his people. He further agreed to deliver up to them all white men in the Creek country opposed to the Spanish influence. In return he was made a Spanish commissary, with the rank and pay of colonel. William Panton, a Scotch merchant of Pensacola, who was the foremost Indian trader of the southern country, did much to bring this agreement about. He and McGillivray were friends, and McGillivray himself profited by the privileges Panton obtained among the Indians.

Georgia, meanwhile, had made a treaty with the Cherokees, who ceded a large tract of land on the head waters of the Oconee. This was in May, 1783, and in November a small party of Creeks went to Augusta and ratified the treaty. McGillivray and the great body of the Creeks denounced it and refused to abide by it. When the Georgians began to settle in the newly acquired lands, strife arose, and there were numerous bloody meetings between Georgians and Indians.

In the autumn of 1785 the Continental Congress sent commissioners to treat with the Creeks. McGillivray prom-



ised to meet them, but when the time came only the chiefs of two towns, with a small band of warriors, appeared at Galphinton, the place of meeting. The commissioners declined to treat with so few, but agents of the State of Georgia made another agreement with them, confirming the previous treaty, and purchasing the lands and islands between the Altamaha and the St. Mary's. A like treaty was made with a few Creeks at Shoulderbone a year later.

McGillivray repudiated these agreements also, and the two chiefs who went to Galphinton were censured by the grand council at Tukabatchi. It was not until April, 1787, that James White, an agent of the Continental Congress, succeeded in meeting McGillivray himself. This was at Cusseta (Kassita), and a large number of chiefs was present. They all declined to recognize the various treaties with Georgia as binding on the "nation." At the end of the conference McGillivray announced his willingness to give up the lands on the Oconee if Georgia would surrender to the United States the country south of the Altamaha. The shrewd chief had discovered that the Georgians were not in agreement with Congress on the Indian question.

Meantime, bloody scenes were enacted in the Tennessee valley as well as on the Georgia frontier. In 1785 the Georgia legislature had established the county of Houstoun, embracing the modern Alabama counties of Landerdale, Limestone, Madison, and Jackson. A settlement was effected in what is now the northwestern corner of the State, but in two weeks the colonists were driven off by the Indians. Expeditions of Creeks and Alabamas are known to have gone northward to the immediate neighborhood of Nashville. The hardy founders of Tennessee, in their turn, led by Colonel James Robertson and others, made flying trips to the Tennessee valley, burning Indian towns and driving away certain French traders from the Wabash country who had come to meet the Indians near the site of modern Florence.

In 1788 the Continental Congress appointed another Indian agent in the south, with whom representatives of Georgia and South Carolina were associated. But McGillivray, strong in the support of Spain, refused to meet them unless the Georgians were removed from the Oconee lands. Such was the state of affairs when, in 1789, the Constitution of the United States went into operation and the Federal government was organized with Washington as President.

Le Clerc Milfort (1750-1817) had a strange career. After travelling through the English colonies in America he went among the Creeks about the beginning of the Revolution and married a sister of Alexander McGillivray's. He remained with the Creeks twenty years. In 1796 he returned to France, and was later a general of brigade under Napoleon.

Don Bernardo de Galvez (1746-1780) is one of the most interesting figures among all the Spanish captains in America. In 1763 he became Viceroy of Mexico and did much to develop the resources of that country. The castle of Chapultepec, at once a palace and a fort, was built by him, and was the scene of a fierce conflict during our war with Mexico. He is said to have died of melancholia, brought on by the distrust the home government manifested towards him.

James Robertson (1742-1814) was a famous pioneer and Indian-fighter. In 1779 he led a company of settlers to the Tennessee country and founded Nashville. Alabama as well as Tennessee has good reason to revere his memory.

QUESTIONS.

Why was West Florida undisturbed during the early part of the Revolution? What was the attitude of the Creeks? Tell of the ancestry of Alexander McGillivray. Describe the victories of Galvez. What claims were advanced to the different parts of Alabama at the close of the Revolution? Describe McGillivray's attitude towards the claimants. Tell of the following, and when the word is the name of a place locate it on the map: Milfort; Hickory Ground; Cusseta; Seboy; Panton; Galphinton.



CHAPTER IX.

THE LAST OF MCGILLIVRAY.—SPANISH WEST FLORIDA.



SOLDIER AND FLAG OF SPAIN.

UNDER the administration of Washington as President of the United States a commission was appointed to deal with the Creeks. The commissioners met McGillivray and some two thousand of his followers at Rock Landing, on the Oconee, in September, 1789. A treaty was read to the Indians. McGillivray and his chiefs went into private council, and next day they announced that the terms were not satisfactory. They then broke up camp and departed. The commissioners returned in vexation to Augusta.

Washington now decided to invite McGillivray to New York, and sent Colonel Marinus Willett, a Revolutionary officer, to the country of the Coosa and Tallapoosa. In the spring of 1790 Willett passed through the Cherokee nation, found McGillivray, and delivered Washington's letter. A council of the Lower Creeks was called, and the President's emissary made a speech to the assembled chiefs and warriors, inviting them to send their head chief to Wash-

ington's "council house" at New York. They agreed that McGillivray should go. A few days later, at Tukabatchi, the Upper Creeks also gave their consent.

So McGillivray, with about a score of warriors and chiefs, set out in June with Colonel Willett for New York City. There the Creeks were well received and courteously entertained. Negotiations with them were conducted by General Knox, the Secretary of War. A treaty was made, and on August 7, 1790, it was signed by General Knox for the United States and by McGillivray and twenty-three chiefs and warriors for the Creeks.

This treaty declared a perpetual peace, placed the Creek nation under the sole protection of the United States, confirmed the boundary substantially as fixed by the agreements of Augusta, Galphinton, and Shoulderbone, and provided for a commission to mark the line. The Creeks promised to make no treaties with any State or individuals of any State, and to give up all their American prisoners. They were to be protected in the lands left to them, and the sum of fifteen hundred dollars was to be paid them annually.

Thus McGillivray and the chiefs gave up the Oconee lands, apparently for very little. But it has since transpired that there was a secret treaty, according to which several of the principal chiefs were to receive annual pensions and medals, and McGillivray himself was made an American agent, with the rank of brigadier-general and a salary of twelve hundred dollars per annum. Having already worn a British and a Spanish title, he now assumed a still higher rank as an American officer. Thus decorated, he returned to his home at the Hickory Ground.

But the real value of the treaty was still to be determined. When Andrew Ellicott, United States agent, and James Seagrove, Superintendent of the Creeks, arrived on the Oconee to run the boundary line, McGillivray put them off, and continued to do so from time to time. One of his excuses was



the disturbances raised by William Augustus Bowles, whom we have seen leading some Creeks to defend Pensacola in 1781. Bowles had later appeared on the Chattahoochee as a trader, and had tried to undermine the power of McGillivray. Driven from the country, he had become a pirate; but he now reappeared on the Chattahoochee and intrigued with some success against the chief, denouncing the treaty of New York, and urging the Creeks to throw off both the Spanish and the American yoke.

McGillivray went to New Orleans under a cloud. But soon he was apparently on good terms with the Spanish authorities; and before long Bowles was captured and taken to New Orleans, and thence to Havana. McGillivray returned to the Coosa, and was made Superintendent of the Creek nation in behalf of Spain, with a salary of thirty-five hundred dollars. He was still taking the pay of the United States, and the American commissioner was awaiting his pleasure on the Oconee.

But McGillivray's career was suddenly closed by death on February 17, 1793. Though he died comparatively young, he had lived long enough to make himself a man of importance to Great Britain, to Spain, and to the United States. Among the Creeks he held a place which no successor has ever quite filled.

A period of confusion, violence, and border war followed McGillivray's death. The boundary controversy between Spain and the United States was still unsettled; and Georgia was firmly asserting her claims to the lands in dispute. In 1787 South Carolina had ceded to the general government her claim to the "twelve-mile strip" which now forms the extreme northern part of Alabama and Mississippi. But Georgia was more persistent. As early as 1785 she had by law established the county of Bourbon, embracing the settlements about Natchez; but this region was now occupied by Spain. In 1789 she took a further step. Five million

acres of land, embracing what are now the central counties of Mississippi, were sold to the "South Carolina Yazoo Company"; seven million acres, embracing the northern counties of Mississippi, to the "Virginia Company"; and three and one-half million acres, embracing the northern counties of Alabama, to the "Tennessee Company." These transactions became known as the first Yazoo sale. The purchase price was ridiculously small. Washington issued a proclamation against the whole enterprise, and, in response to a Spanish protest, ordered General St. Clair to stop by military force all efforts of the "South Carolina Company" to colonize the country around Natchez. Agents of the "Tennessee Company" attempted a settlement at the Muscle Shoals, but were driven away by the Cherokees and Chickasaws. The "Virginia Company" made no effort to profit by its purchase. Finally, all these companies having failed to make the payments due to Georgia, the State rescinded the bargain.

But Georgia did not give up the idea of selling the western lands which she claimed. The Georgians, in fact, felt aggrieved against the national government because it did not act more vigorously against the Indians and the Spaniards. So, in the winter of 1794-5, when George Matthews was governor, the legislature passed another "Yazoo" bill. For the sum of \$250,000 there was conveyed to the "Georgia Company" an immense tract of land, embracing fifteen counties in the present Mississippi and parts of six others, and in the present Alabama the counties of Clarke, Greene, Marengo, Perry, Autauga, Bibb, Shelby, Tuscaloosa, Pickens, Fayette, Jefferson, St. Clair, and portions of eight others. To the "Georgia Mississippi Company," for the same sum, was conveyed another tract, lying mainly in Mississippi, but embracing also parts of Washington, Sumter, and Greene counties in Alabama. To the "Upper Mississippi Company," for \$35,000, was conveyed the whole of the



northern part of Mississippi. To the "Tennessee Company," for \$60,000, was conveyed the whole of Northern Alabama—the region which now includes the counties of Lauderdale, Madison, Jackson, De Kalb, Cherokee, Marshall, Morgan, Lawrence, Franklin, and parts of Marion, Walker, and Blount.

These several tracts aggregated twenty-one million acres. The purchase price, \$595,000, was so insignificant that suspicions of fraud were naturally entertained. For years the "Yazoo Fraud" was a political war-cry. The four companies paid their purchase money; but the next year popular indignation swept out of power the men who had voted for the sale, and a new legislature hastened to declare it null and void. The bill itself was publicly burned. But in the meantime immigrants had been attracted to the Tombigbee and the Mississippi to occupy lands granted them by the companies. Some of these immigrants remained and became good citizens of Alabama and Mississippi in later years. The Indians, meanwhile, were steadily hostile to Georgia's western claims, and they were supported, in a measure, by the government at Washington.

Turning now to the southward and westward, we find comparatively little of interest in the history of the Spaniards in West Florida. As we have already seen, it was mainly through the influence of McGillivray and Panton that they kept on good terms with the Indians. Their intrigues with the red men were carried on with a view to resisting the territorial pretensions of the Georgians south of the line of $32^{\circ} 28'$. But, though they continued to hold the region in dispute, they did little to colonize it, except to encourage immigrants by liberal grants of land and a mild rule, thus following the policy of the English. There were Spanish garrisons at Pensacola, at Fort Charlotte, at Fort Tombecbe, and at Fort St. Stephens, which was built on a bluff on the Tombigbee. An English trading post, called Tensaw, near the

present Stockton, was repaired and occupied. There were other forts to the westward. All these establishments were under the immediate command of the governor of Louisiana; but the real ruler of both Louisiana and West Florida was the captain-general at Havana, Cuba.

A number of planters of British blood, who had been royalists during the Revolution, were settled along the Mobile

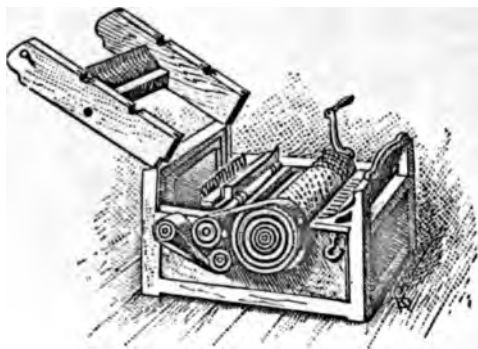


VIEW OF THE TOMBIGBEE FROM FORT ST. STEPHENS.

and Tensaw rivers. In the Natchez country there were some large plantations; and American immigrants were finding their way to the Tombigbee and the Mississippi. In that part of the province which now belongs to Alabama the Highland Scotch element was peculiarly conspicuous, particularly the family of McIntosh—a family which also had prominent representatives in Georgia. The members of the firm of Pantou, Leslie & Co., the great Indian traders of Pensacola and Mobile, were Scotchmen. The Spaniards

welcomed such immigrants as these, and were, in general, courteous and fair to men of races and religions other than their own.

Besides the trade with the Indians, the principal industry of the province was agriculture. Tobacco was the chief product for a while, but about the year 1787 the competition of the Tennessee and Kentucky planters destroyed the profit of growing tobacco on the Gulf. Indigo was cultivated with success for a few years; but in the end the superior



ELI WHITNEY'S COTTON GIN.

fitness of the soil for cotton growing was discovered. The seeds first used came from Georgia and Jamaica; but about the beginning of the nineteenth century Mexican seeds were introduced and proved better adapted to the soil and climate. In 1794 Eli Whitney invented the cotton gin.

The development of cotton planting, more than anything else, strengthened the institution of slavery; for negro labor was thought to be indispensable in this industry. The French came to consider the African necessary to the prosperity of their settlement on the Gulf, and the later inhabitants of the region accepted and extended the institution they established.

William Augustus Bowles (1763-1805) was a native of Maryland, but espoused the cause of England during the Revolution, and led his Indian friends against the Americans. After his capture by the Spaniards, he *escaped*, and was again among the Creeks early in the nineteenth cen-

ture. In 1804 he was betrayed into the hands of the Spaniards, and died a prisoner in Morro Castle, Havana.

The head of the McIntosh family in the south was Captain John McIntosh, chief of the McIntosh clan in Scotland. He received from the English government a grant of land at McIntosh Bluff on the Tombigbee, and made a settlement there. His daughter married a British officer named Troup, and their son, born at the Bluff, was Alexander M. Troup, who became a famous politician and governor of Georgia. Roderick, a brother of Captain John, known as Rody, was an eccentric and well-known loyalist during the Revolution. He married a Creek woman and had a son, who became a chief, and whom we shall see later fighting on the side of the Americans in the Creek war of 1813-14. After the war Chief McIntosh signed a treaty which ceded considerable territory to Georgia. For this act he was set upon and murdered by the hostiles.

QUESTIONS.

How did Washington first proceed in dealing with the Creeks, and what was the result? Tell the story of Colonel Willett's expedition and its outcome. Give the chief features of the treaty made with the Creeks at New York. What came of the treaty? Tell what you know of McGillivray after his return from New York. Describe the condition of affairs after his death. What steps did Georgia take in pursuance of her western claims? Describe the first "Yazoo sale" and its outcome; the second, and its outcome. What was Spain's policy in regard to the disputed territory? How did the Spaniards treat foreign settlers? Tell of the changes in crops. Explain the connection between cotton and slavery.



CHAPTER X.

THE MISSISSIPPI TERRITORY.

BUT there was about to be another change in the political geography of the southern country. As we have seen, both Spain and the United States laid claim to the region bounded by the Chattahoochee on the east, the Mississippi on the west, the line of 31° on the south, and the line of $32^{\circ} 28'$ on the north. It took twelve years to settle the question, and during those years the final destiny of the region between Georgia and the Mississippi seemed to be much in doubt.

The settlers on the lands now covered by the States of Kentucky and Tennessee were struggling for recognition as self-governing communities, and were dissatisfied with the hesitation of Congress about admitting them to the Union as States. They were angry, too, because the national government did not force Spain to give them free navigation of the Mississippi River, which was the natural avenue for their exports. The Spanish authorities tried to take advantage of this feeling to detach the western country from the Union and make it a part of Louisiana. Such a change would have affected the history of Alabama very greatly.

On the other hand, an influence was brought to bear, not merely on the western settlers, but on the Georgians and South Carolinians, having as its object the overthrow of Spanish rule in Louisiana and the Floridas. This influence came from France through its minister, Genet, who landed in Charleston, South Carolina, early in 1793. The French Revolution was now in full swing, and a great European war *was beginning*. At first American sympathy was strongly

on the side of the revolutionists. General Elijah Clarke, of Georgia, was very active in the French interest, and other Americans accepted commissions from France. It is even said that some Creeks and Cherokees were ready to take the field. Washington, however, rightly holding to a neutral policy in the European struggle, soon sent Genet out of

the country, and his designs never came to a head. The admission of Kentucky and Tennessee as States tended to heal the discontent in the west.



LOCATING THE BOUNDARY LINE.

At length, in 1795, Thomas Pinckney was sent to Spain, and in October of that year he concluded a treaty which put an end to the boundary dispute. The line finally agreed on was the line of 31° from the Mississippi to the Chattahoochee; thence down the Chattahoochee to the mouth of the Flint; thence direct to the head of the

St. Mary's, and down the St. Mary's to the sea. Thus the Spaniards were left in possession only of that part of the present Alabama lying south of the line of 31° —the region, namely, about the bay of Mobile. It was further agreed



MARKING THE BOUNDARY.

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that the Spanish garrisons north of the line, and American posts south of it, should be removed within six months after the ratification of the treaty. The boundary was to be marked by Spanish and American commissioners before the expiration of that time.

But it was much more than six months before the line was run. Andrew Ellicott was appointed one of the American commissioners, and it was February, 1797, before he reached Natchez to begin the work. There he conducted himself in a very disagreeable way, and Don Gayoso de Lemos, who was in command of the Spanish garrison, declined to surrender Fort Panmure to the Americans. Governor Carondelet, of Louisiana, kept putting the matter off on various pretexts. One of his excuses was that the Americans of the west, in alliance with the British of Canada, were threatening a descent upon New Orleans. It is pretty clear that about this time Carondelet himself was renewing his efforts to detach the west from the Union. The delay was protracted until the end of March, 1798, when the Spanish troops left Fort Panmure.



MANUEL GAYOSO DE LEMOS.

In a few days the Spanish commissioners joined Ellicott and his associates, and the work began. In the Choctaw country no opposition was encountered from the Indians, but progress was slow on account of natural obstacles. It was the spring of 1799 before the Mobile River was reached. When the commissioners got into the Creek country the Indians assumed a threatening attitude, and it was suspected that they were incited to this by the Spaniards, although in June, 1796, a full delegation of the "nation" had made a *treaty* with commissioners representing the United States

and had promised to abide by the treaty of New York and to help Spain and the United States run their boundary line. This work was finished in August, 1799, nearly four years after the signing of the Treaty of Madrid.

Meantime, an important step had been taken by Congress. April 7, 1798, the region of which the newly established line



was the southern boundary was made a separate territory, called the Territory of Mississippi, with a territorial government independent of Georgia; but it was expressly stated that Georgia's rights in the soil were not to be impaired. The northern boundary was the old "Yazoo line" of $32^{\circ} 28'$; the eastern boundary was the Chattahoochee, and the western the Mississippi.

The act of Congress authorized the President to set up a government similar to that in the territory north of the Ohio. One very important difference, however, was that slavery was forbidden in the Northwest Territory, but not in Mississippi Territory. Slaves could not be imported into the latter from foreign countries, but only from the States. For the rest, there were to be a governor, a secretary, and three judges; all named by the President; and the governor and the judges were to make up a code of laws from those prevailing in the States. President Adams named Winthrop Sargent governor, and John Steele secretary.



GOVERNOR SARGENT.

Governor Sargent was a man of ability and high character, but he was not popular in the Territory. His manners, cold and stiff, were not agreeable to the Natchez planters. The code of laws which he and the judges framed caused great dissatisfaction. The only other act of his administration which is important to us was the division of the Territory into three counties—Adams, Pickering, and Washington. One of these—Washington—included all that part of the Territory now embraced within the limits of Alabama, and part of Mississippi also. Washington County had one representative in the Territorial legislature, and its population, according to the census of 1800, was 1,227—733 whites and 494 negroes.

Governor Sargent gave up his office in April, 1800, and for a time John Steele, the secretary, discharged its duties.

To the few white men scattered through the Alabama part

of the Territory it probably mattered little who was governor at Natchez, or whether there was any governor at all. Who these white men were, and what sort of life they lived in the wild country they had chosen for their home, are interesting questions ; but not much is known concerning them. As early as 1792 a number of strange characters had found their way to this region, most of them traders, and some of them related by blood or marriage to the Indians. Immigration became more rapid when Spain gave up her claim to the country. Along the Mobile and Tensaw rivers were some plantations, and there were settlements on the Tombigbee in the neighborhood of Fort St. Stephens. At every Indian town of importance one or more white traders could be found. Fort St. Stephens was the principal military establishment ; but in July, 1799, Fort Stoddart was built in the Tensaw country.

Life was doubtless rough and hard to those early American settlers of Alabama. They were without schools, churches, or courts of law. No minister of the gospel appeared among them until the year 1803. In the absence of ministers and magistrates it was impossible to have the ceremony of marriage properly performed. A runaway couple, wishing to get married, went to Captain Shaumburg, at Fort Stoddart. The gallant captain pronounced them man and wife ; and the neighbors declared they were the best married people they had seen in that region for a long time.

In July, 1801, Thomas Jefferson, who was now President, appointed William Charles Cole Claiborne Governor of Mississippi Territory. Claiborne reached Natchez, the capital, in November, and the settlers found him a courteous and agreeable gentleman. Taking up the work of his office with zeal and intelligence, he made a successful and popular governor.

When he came, the legislature of the Territory was at work repealing the laws proclaimed by Sargent and the judges, and

making new ones. In December a Territorial delegate to the national House of Representatives was chosen, and the next year the seat of government was moved to the town of Washington, a little east of Natchez, and the militia of the Territory was organized. Several new counties were formed, and the governor appointed justices for all of them, including the immense county of Washington. The first county court in Washington was held at McIntosh Bluff, on the Tombigbee. The justices came from different States, and each tried to apply the laws of the State from which he came.



A. C. C. Claiborne

Troublesome questions were now arising over titles to land. Some settlers held by grants from the British, some by grants from the Spaniards, and others by grants from Georgia. So Congress established two commissions to consider the various claims. One of the commissions sat at Washington, the other at St. Stephens. The claims approved by the commissions were ratified by the President. The Territory was now in a fair way to prosperity, and Governor Claiborne made favorable reports of its condition.

Georgia still claimed the soil of the Mississippi Territory, and in order to put at rest the differences between her and the United States, commissions representing both governments met at Washington in 1802, and reached an agreement to the following effect :

Georgia ceded to the United States all her rights west of the line which now separates Georgia and Alabama. The

United States agreed to pay Georgia a million and a quarter of dollars out of the proceeds of the sales of these lands, to confirm the titles of all persons settled on them, and to form the ceded territory into a State as soon as its population reached sixty thousand. Georgia further agreed to turn over to the United States all moneys received from the Yazoo companies. The State legislature ratified these articles June 16, 1802, and from that time Georgia ceased to have any rights in the soil of Alabama and Mississippi. In 1804 Congress added to Mississippi Territory the land ceded by Georgia, and also added the twelve-mile strip which had formerly been part of South Carolina and which lay between the Georgia cession and the State of Tennessee.

Winthrop Sargent (1753-1820) was of good Massachusetts stock and a graduate of Harvard College. During the Revolution he won the rank of major. In 1786 he became connected with the Ohio Land Company, and Congress made him surveyor of the Northwest Territory.

Governor Claiborne was born in Virginia in 1773 and died in 1817. His later years were spent in Louisiana, where he was as popular as he had been in Mississippi, and when the State of Louisiana was formed he was chosen to be its governor, and held the office from 1812 to 1816. At the time of his death he had just been elected to the United States Senate.

QUESTIONS.

Give the date and the provisions of the treaty that settled the boundary question with Spain. Tell what you know of Andrew Ellicott and the running of the line. Describe the Territory of Mississippi, giving date of the act creating it. What important difference between it and the Northwest Territory? Tell about Governor Sargent's administration. What counties were first established? What was the population of Washington County, and what its legislative apportionment in 1800? What was done in regard to Georgia's claims? Tell what you know of Governor Claiborne and his administration. What action was taken concerning land claims? Tell what you know of the following: Thomas Pinckney; Fort Stoddart; St. Stephens; John Steele.



CHAPTER XI.

CHANGES IN THE MISSISSIPPI TERRITORY—MOBILE TAKEN.

THE lands added to Mississippi Territory in 1804 extended it northward to Tennessee, and gave to our State its present northern boundary. At that time, however, the 31st parallel was still the southern boundary, and the Gulf coast, including the city of Mobile, was a part of West Florida, and was still held by Spain. It is interesting to know how it became part of Mississippi Territory.

In 1800 Napoleon Bonaparte, who had conquered Spain, compelled her to cede to France the province of Louisiana. He did not take possession of the province, but left it in the hands of Spain until 1803, when he sold it to the United States. The treaty by which he transferred Louisiana to the United States described it as having "the same extent it now has in the hands of Spain, and that it had when France possessed it." These were the exact words that Spain used to describe Louisiana when she transferred it to France, and it will be seen that the description was in itself a contradiction. The United States, holding to the second half of the description, claimed to have bought West Florida as a part of Louisiana. Spain, holding to the first half, denied this. Spain pointed out the fact that West Florida had not been a part of Louisiana for forty years; that England had organized West Florida in 1763, and that it had come to her from England by conquest in 1783, and not in connection with Louisiana at all. It is clear now that neither France nor *Spain understood that Louisiana included West Florida.*

The United States did not press their claim at first, and so West Florida remained under Spanish control. That part of West Florida between the Pearl and Perdido rivers was organized by Spain as the District of Mobile. That part between the Pearl and the Mississippi rivers was called the District of Baton Rouge.

In December following the purchase of Louisiana the President sent Governor Claiborne and Gen. James Wilkinson to New Orleans to take possession, and when Congress organized the Territory of Orleans, Claiborne was appointed its first governor.

Thus Mississippi was left without a governor, and for more than a year the duties of the office were discharged by Cato West, secretary of the Territory. Early in 1805 Robert Williams, of North Carolina, the newly appointed governor, arrived at Washington, then the capital of Mississippi.

Bad feeling between the Spaniards and the Americans near the boundary line soon led to collisions. Three brothers named Kemper were especially active as champions of the American interest; and at one time the situation was quite serious. But the approach of a common danger caused the officials of Spain and the United States to draw together for mutual protection.

The danger that threatened the western interests of the two countries was embodied in one man—Aaron Burr. This man, who while vice-president of the United States had killed Alexander Hamilton in a duel and fled from justice, was in the western country. Ruined in his political career, which had once been so promising, he had gone to the confines of the republic to restore his fallen fortunes. He had purchased, under a Spanish grant, extensive lands lying near the Sabine River, and the apparent object of his journey was to colonize these lands. As to his real object, wild rumors were afloat. It was suspected that he meant to *establish a new republic in the west, despoiling both Spain*

and the United States of their possessions. That he had designs on West Florida does not seem improbable.

Late in the year 1806 he was arrested in Kentucky, but was discharged for want of evidence. He then descended the Mississippi with some sixty men, and he was again arrested near Natchez, taken to Washington, and put under heavy bonds to await the action of the Territorial court. Again he



SCENE OF BURR'S CAPTURE.

disappeared, and the country was flooded with proclamations offering a reward for his arrest. This was accomplished near Fort Stoddart, in Washington County, chiefly through the activity of Nicholas Perkins, a young lawyer, and Captain Edward P. Gaines, commandant at the fort. With a watchful guard the fallen intriguer was sent up the Alabama, through the wilds of the Indian country, to South Carolina and thence to Richmond. He was tried for treason and then for misdemeanor, but was acquitted on both charges, and his

career in the west has ever since remained a somewhat puzzling episode of our history.

Two important cessions of Indian lands were made in 1805. In that year the United States purchased from the Chickasaws a surrender of all claims to a triangular region north of the Tennessee River, twenty-five miles across at the Tennessee line and some three miles wide on the river itself. A few months later the Cherokees gave up all their rights in this plot of land, and thus the government acquired a clear title. The same year the Choctaws ceded some five millions of acres lying chiefly in what is now western Mississippi, but extending east to a line about midway between the Alabama and Tombigbee rivers, and so including part of southwestern Alabama. These purchases were the beginning of a series of treaties with the Indians having as their object the acquisition by the United States of all the lands in the Territory.

The opening of the Tennessee Valley to immigrants at once attracted a number of settlers from Tennessee, Georgia, the Carolinas, and Virginia. About the time the treaty with the Chickasaws was made, John Hunt, a Tennessean, was building a cabin near a great spring, and his name was given to the first town in north Alabama—Huntsville. Within a year or two the settlement had begun to rival St. Stephens in importance, and among the settlers in the neighborhood were several families whose names became prominent in later history. In December, 1808, Governor Williams established the county of Madison, with Huntsville as the county seat.

The Tensaw and Tombigbee settlements were also growing. St. Stephens was laid off into town lots and a road was cut through the old Choctaw country to Natchez. At St. Stephens was a government factory or trading house, with George S. Gaines, as chief factor, at its head. The parsonage of the old Spanish church was used as a skin house, and the old blockhouse as a store. Considerable trade was thus established with the Choctaws and other Indians, as well as

with American settlers, who brought to this place all kinds of skins and peltries, tobacco, bear's oil, honey, bacon, and ground-nuts. In the Tensaw country Fort Stoddart had become an important post, and there were settlements and farms along the Mobile and in the fork of the Alabama and Tombigbee. Cotton was becoming the principal crop.

The settlers were much hampered, however, by the natural and artificial restrictions on their trade. To the north and east of them was the Indian country, traversed only by trails and bridle paths. Benjamin Hawkins, the efficient superintendent, managed to keep the Creeks reasonably friendly; but the journey through the "nation" from Georgia to the Alabama River was a slow and difficult one. In 1805 the Indians gave their consent to the running of a horse path from the Chattahoochee to the Alabama. To reach the Tennessee settlements was an equally arduous undertaking. A better natural route to the outside world was the water route down the Mobile and through the Gulf; but export duties were collected at Fort Stoddart, and a heavy tariff by the Spaniards at Mobile.

Nevertheless, the Tombigbee settlers were steadily increasing in numbers. In 1809 Baldwin County was established to the west of the Mobile and the Alabama, with McIntosh Bluff as the county seat. In 1810 the population of the three counties, Madison, Washington, and Baldwin, was reckoned at 9,046, of whom 2,624 were negroes. Madison contributed more than half of the whole number, so that the northern settlements were already stronger than the southern. Between the two lay the great agricultural and mineral belts which have since become the industrial centre of the State, but which were then inhabited only by a few thousand Indians, among whom were scattered some white traders and half-breeds.

Congress had conferred a real benefit on the Tombigbee settlers when, in 1804, it authorized the President to appoint

a superior court judge for their district. The Hon. Harry Toulmin, of Kentucky, was appointed, and he fitly headed the list of distinguished judges who have won for the judiciary of Alabama an eminence greater, perhaps, than that attained by its representatives in any other profession.

Besides the establishment of the two new counties, the Territorial government played no very important part in the lives of the pioneers, who were quietly laying the foundation of an American civilization in the future State. Governor Williams remained in office until the beginning of 1809.

March 4, 1809, James Madison became President, and one of his first acts was to make David Holmes, of Virginia, Governor of Mississippi Territory, in place of Williams.

Holmes was a man of experience in public life, having sat in Congress for a dozen years. His administration in the Territory was full of exciting events.



GOV. DAVID HOLMES.

He found the people of the Territory in three groups—the settlements around Natchez, those on the Tombigbee and Mobile, and those in the Tennessee Valley. Between the three were rivers, forests, and Indians. The Creek Confederacy on the east and the Spaniards on the south were

unpleasant neighbors. But it was not long before the Spanish question came to an issue.

In the District of Baton Rouge were planters of English and American birth, who had grown tired of Spanish rule, and were plotting a revolution. In August, 1810, a party of them marched to the town of Baton Rouge and captured it. The revolutionists met, and organized the State of West Florida. They adopted a constitution, elected a governor, and applied for admission to the Union as a State. President Madison refused to recognize them; but, as the lands in dispute were claimed to be a part of the Orleans Territory, he

ordered Governor Claiborne of that Territory to take possession in the name of the United States. Governor Claiborne promptly took possession, but did not secure Mobile. The revolutionists had also planned to seize Mobile, and Reuben Kemper was sent to the Tombigbee country to raise a force for that purpose. A party of adventurous spirits did indeed go down the bay to the neighborhood of Mobile; but there they encountered a boatload of provisions and whiskey, which the convention at Baton Rouge had unwisely sent to meet them. This proved their ruin; for a number of them, while engaged in a drunken frolic, were surprised and routed by some Spaniards, and the expedition failed. Several of the Americans were captured, taken to Havana, and languished for years in Morro Castle. Thus Mobile remained for the time in the hands of Spain.

Congress approved President Madison's course; and in 1812, when Orleans Territory became the State of Louisiana, it included the Baton Rouge District of the old Spanish province of West Florida, lying between the Pearl River and the Mississippi. May 14, 1812, Congress annexed the Mobile District of West Florida, lying between the Pearl and the Perdido rivers, to the Mississippi Territory, thus bringing its boundary down to the Gulf. December 18, 1812, the legislature of Mississippi Territory created Mobile County, although Mobile itself, and nearly all the territory included in the county, were still in the possession of Spain.

The war between the United States and Great Britain in 1812 made it advisable for the United States to occupy Mobile. General James Wilkinson sailed from New Orleans in April, 1813, with about 600 men, landed near the city, and demanded that it be surrendered to him as a part of Mississippi Territory. The Spanish commandant, Captain Perez, refused to admit that it was a part of Mississippi Territory, but agreed to retire with his garrison, leaving the United States and Spain to settle the question of ownership. As

Spain never again obtained possession, Mississippi Territory from this time included every portion of the present Alabama. In 1819 Spain sold East Florida and also her claim to West Florida to the United States for \$5,000,000.

But the conquest of Mobile was not the only military consequence to the southern country that followed the declaration of war against Great Britain. On the contrary, the settlers on the Tombigbee and the Mobile were about to witness such a struggle as had not been seen in that region since the days of De Soto's fight before Mauvila. The real danger lay not in the arms of Spain, nor in the English fleet, but in the red warriors of the Coosa and the Chattahoochee. The Muscogeese were getting ready to make their last stand against the white-skinned race that was peopling the lands to the east and west of them, felling the trees, driving away the deer, and putting a girdle of civilization around their homes and hunting-grounds.

Harry Toulmin was born in England in 1766. He had chosen the Unitarian ministry for a career, and persecution drove him to America. He was president of Transylvania University in Kentucky, served eight years as secretary of state, and compiled the Kentucky code of laws. He performed a similar service for the people of Alabama.

QUESTIONS.

Describe the change in the limits of Mississippi Territory in 1804. Name the successive owners of Louisiana. What became of Governor Claiborne, and who succeeded him? Describe the cession of the Chickasaws and Cherokees in north Alabama, and the Choctaw cession. Tell what you know of the first settlement of northern Alabama by the whites. What two new counties were formed? Describe the settlements to the southward in 1810; what were the conditions of trade and transportation? Trace the steps by which West Florida was acquired. Tell what you know of the following: James Wilkinson; Cato West; Nicholas Perkins; John Hunt; District of Baton Rouge; Reuben Kemper.



CHAPTER XII.

THE CREEKS ON THE WAR-PATH.

THE cause of the discontent of the Creeks was the encroachments of the whites, particularly the whites of the Tombigbee and Tensaw settlements. In December, 1812, the county of Clarke was established, including the lands extending eastward from the Tombigbee River to the watershed between the Tombigbee and Alabama. In the fork of the two rivers a considerable number of white men had already made their homes. These lands were claimed as hunting-grounds by the Alabamas. In 1811 the horse path from the Chattahoochee to Mims's Ferry on the Alabama was converted into a "Federal road" by Captain Luckett and a party of soldiers, and this road was soon a thoroughfare for emigrants passing from east to west. The more intelligent of the Creeks began to see that in a few years they would be crowded out of the country by the new-comers.

As usually some one is found to give voice to a popular discontent, so, not only among the Creeks, but among all the red men from the great lakes to the Gulf, the feeling of hostility to the encroaching whites found a spokesman in the famous Shawnee warrior, Tecumseh. The home of this remarkable Indian was above the Ohio; but his parents had once lived in the Shawnee settlement on the Tallapoosa. In 1787, when not yet of age, he had visited the Cherokees and Creeks; and in the year 1811 he again came among the tribes of the Mississippi Territory. He came as the open advocate of a union of all the red men against the whites.

But the Chickasaws would not "take his war talk." And

among the Choctaws Pushmataha, an eloquent orator and a true friend of the whites, spoke for peace, and the Choctaws followed his counsel. The indefatigable Shawnee passed on to the eastward, first, it is said, visiting the Seminoles, and then the Creeks. He was a natural orator of great power, and he made a deep impression on the tribes of the Confederacy, always restless and warlike.

It was a year of earthquakes, and for some time a comet blazed every night in the heavens. Tecumseh made shrewd use of these as portents with his superstitious hearers. The Big Warrior, a powerful chief, opposed him, but before he left he had made the "war dance of the lakes" popular, and a "prophet" who accompanied him had set some of the Creeks to prophesying also.

So a war party, called the Red Sticks, was formed. But there was a peace party, too, with the Big Warrior at its head; and for a time Hawkins, the government agent, hoped that the trouble would end, as in fact it began, with a civil war among the Creeks themselves. Peter McQueen, a half-breed of Auttose, High-Head Jim, and David Francis, a "prophet," were leaders of the hostiles; and later they were joined by William Weatherford, the "Red Eagle," whose father was Charles Weatherford, a Georgian, and whose mother was Schoy, a half-sister of Alexander McGillivray.

For a time the Indians, fighting frequently among themselves, did not make any organized attack on the whites; but now and then a single white man was slain, and rumors of the coming storm were heard throughout the Territory.

In June, 1812, the United States declared war against Great Britain; and from that time the Red Sticks could count on the help of the British. It was made known to them that they could obtain ammunition at Pensacola, and the next summer a party of several hundred went thither for that purpose. Colonel Joseph Carson, commanding at *Fort Stoddart*, sent spies to Pensacola to discover the object

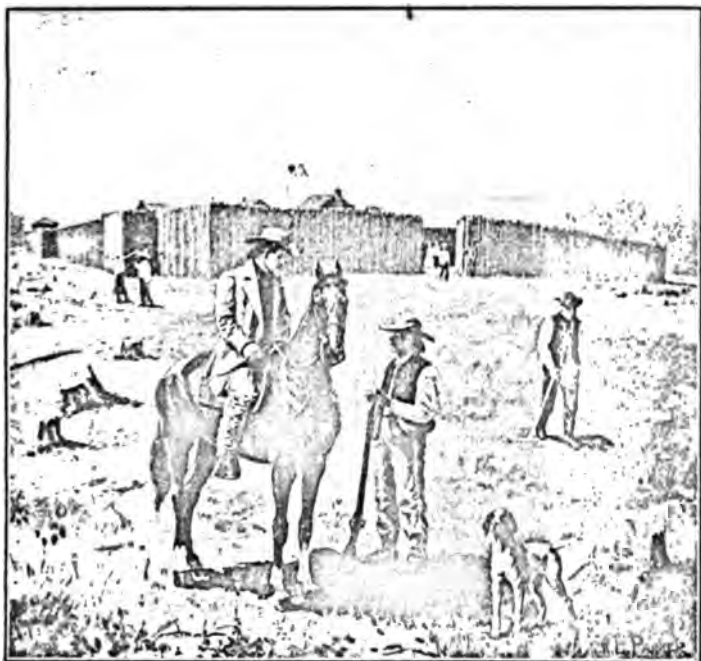
of the expedition. They learned that the Indians gave the Spanish governor a letter from a British general in Canada, and that the governor, after some hesitation, gave them three hundred pounds of powder, and lead in proportion.

The people of the Tombigbee and Tensaw settlements were much alarmed, and Colonel James Caller, the senior militia officer of the frontier, called out the militia at once. The force enrolled under him consisted at first of three small companies, but with these he crossed the Tombigbee on July 25 and marched eastward. In Clarke County he was joined by another company commanded by a stalwart captain named Samuel Dale, armed with a double-barrelled shotgun—a rare weapon in those days. Soon another company was added, and in the end the force numbered about one hundred and eighty men.

Near the site of the present village of Belleville, in Conecuh County, the frontiersmen struck the road from Pensacola. Down this they marched until they reached Burnt Corn Creek. Here, on July 27, they discovered the hostiles, on their return from Pensacola, encamped between a creek and a range of hills. Moving cautiously to the rear of the hill, Caller and his followers dismounted, crept to the top, and then charged. The Indians, surprised, sprang to their arms and fired, but soon gave way and retreated to the creek. Some of Caller's men pursued; but others were too intent on seizing the pack-horses of the enemy. The Creeks rallied, charged in their turn, and drove the whites away. The fight lasted more than an hour. Dale and fourteen others were wounded; two were killed. The Creek loss was not positively known, but it was probably heavier than the loss of the whites. Thus the war began with a defeat for the settlers. The Indians went back to Pensacola for more ammunition, and Caller's men dispersed to their homes.

The settlers were now alive to their danger, and began to *make ready for defence*. A score or more of stockades were

built, and were called forts. A chain of these rude fortifications offered a refuge to the people of the newly formed county of Clarke, and they were filled with men, women, and children. Fort Stoddart was a post of considerable strength.



FORT MIMS.

Fort Mims, built in the summer of 1813, was situated near Lake Tensaw, to the east of the Alabama, and about two miles below the cut-off which connects the Alabama and the Tombigbee. It took its name from Samuel Mims, an early settler in that region, whose house it enclosed. Here, protected by pickets and fence rails, in a space of about an



acre, several hundred people were gathered. Among them were a number of wealthy half-breeds from Little River.

At the end of July, General Ferdinand Leigh Claiborne arrived at Mt. Vernon, near the Mobile River, with seven hundred troops from the western part of the Territory. Claiborne, who was a brother of Governor William C. C. Claiborne, had seen service under Anthony Wayne in the northwest, and for a time had been attached to the regular army; since 1805, however, he had lived at Natchez and taken a prominent part in the affairs of Mississippi Territory. General Flournoy, who had succeeded Wilkinson in the command of all forces in the southwest, had sent him to the Tensaw region with a view chiefly to the defence of Mobile.

Claiborne's first step was to distribute his troops so as to protect the people of the immediate neighborhood. Colonel Carson, with two hundred men, was sent to Fort Glass, in Clarke County, and began the construction of Fort Madison. A company was sent to St. Stephens. Major Daniel Beasley went to Fort Mims with one hundred and seventy-five volunteers. The militia already on duty there numbered seventy, and these chose Dixon Bailey, a brave half-breed who had fought at Burnt Corn, to be their captain. The occupants of Fort Mims—men, women, and children—now amounted altogether to five hundred and fifty-three souls. A number of them were negro slaves.

Major Beasley was a man of courage, but a poor soldier. Despising the enemy, he neglected preparations for defence. The blockhouse was never finished, and the two gates, one at the east and one at the west, were left open and unguarded. An addition to the fort on the east was begun, but never finished. Warnings of the approach of the enemy went unheeded. Two negroes who reported that they had seen a number of savages in war paint were flogged for their pains.

During the morning of August 30 Beasley wrote to Claiborne that he could maintain the fort against any number of

the enemy. A few hours later he himself lay dead behind the eastern gate, and a scene of horror, the details of which are too revolting to describe, was the result of his incompetency.

The hostile Creeks, again supplied with ammunition and largely reinforced, had turned to the westward. David Francis, Peter McQueen, and Weatherford were their leaders. They chose Fort Mims as the first point to attack, and at noon of the day Beasley wrote his confident letter a thousand warriors lay concealed in a thick ravine four hundred yards from the open eastern gate.

The sound of the drums beating the soldiers of the fort to dinner was the signal for the charge of the enemy. Beasley tried to close the gate, but was stricken down, and the furious band broke into the fort, the prophets in the lead. The Americans sprang to arms, and the fall of several prophets daunted the assailants for a moment, for they believed the bullets would split upon the bodies of their inspired leaders. But the rage of conflict made up for the disappointment of their superstitious hopes.

The Americans offered a stout resistance, and it was some hours before the end came. Captain Bailey, in particular, distinguished himself by heroism and intelligence. But the strength of the enemy was overwhelming, and step by step the whites were driven back into the unfinished bastion. The slaughter was dreadful; and flames soon added horror to the scene that the hot August sun shone down upon. At length Bailey cried out that all was lost, telling the survivors to save themselves if they could.

A few half-breeds were made prisoners, some of the negroes were kept to be held as slaves by the victors, and about thirty-six persons are known to have escaped; the rest perished. Weatherford, it is said, attempted to stop the massacre, but the Indians would not obey him, and he departed before the fight was over. The fort was burned to the ground,

and when the savages quit the place they left behind them only ashes and the bodies of the dead.

The news of the massacre spread rapidly over the Territory, and caused a panic in the Natchez settlements; the entire country was thrilled with horror. The authorities at Washington saw that the British had acquired a terrible ally in the south. The Spanish governor and the British emissaries at Pensacola were delighted with the result of their intrigues.

The citizens of Clarke County, in the fork of the Tombigbee and the Alabama, were now chiefly exposed to the depredations of the Red Sticks. Francis, the "prophet," with a hundred warriors, was at work in that region, and no white man was safe outside the stockades. Pent up in these narrow enclosures, in September the settlers fell a prey to sickness; and frequently those who ventured out to gather the crops were attacked and slain by prowling Creeks. Fort Sinquefield, one of the upper stockades, was attacked, but successfully defended. Claiborne, fearing a strong attack on Fort Madison, sent Colonel Carson a discretionary order to abandon the fort. This Carson did, and marched away to St. Stephens, to the consternation of the people, who felt themselves abandoned. Eighty citizens enrolled themselves for the defence of the place, and put themselves under the command of Evan Austill and the wounded Dale.

At this juncture the Choctaws were watched with the greatest anxiety. It is hardly too much to say that hostility from that quarter would have meant the destruction of the Alabama settlements, shut in, as they would have been, between the two great branches of the Muscogee family. To Pushmataha more than to any other man it is due that the danger was averted. His influence and his eloquence were steadily exerted to befriend the whites. George S. Gaines induced him to go to Mobile, where he made an offer to General Flournoy to enlist several companies of Choctaws *against the Creeks*. Flournoy, for some reason, declined,

but later came to his senses and sent a messenger after the chief to accept the proposal.

A council of Choctaws was held. Pushmataha spoke at great length, and announced that he himself would join the people of St. Stephens. The warriors, slapping their breasts, declared they were ready to follow him. Colonel John McKee, agent for the Chickasaws, also succeeded in keeping those warlike Indians from joining the Red Sticks. He even raised a considerable force among them and marched against a Creek settlement at Tuscaloosa Falls, but found it deserted. Some of the Chickasaws then went to St. Stephens and joined General Claiborne's troops.

But a stronger helper than any of these was coming from the northward. The news of the fall of Fort Mims had hardly reached Nashville when the Tennesseans were ready to take the field. At their head came Andrew Jackson, who was now about to win the proudest laurels of a great career. In October, with a strong force, he crossed the Tennessee and began his campaign against the Creeks.

Tecumseh (or Tecumthe) is perhaps the most remarkable character in the history of the North American Indians. He was distinguished both as orator and as warrior. After leaving Mississippi Territory he led the hostiles in the north, and it was probably due to his work that the British succeeded in defending Canada against the Americans. He was defeated and slain at the battle of the Thames (Canada), October 5, 1813.

QUESTIONS.

Why were the Creeks discontent? Tell about Tecumseh and his visit to the south. Relate the history of Colonel Callier's expedition. What measures of defence did the settlers take? Locate and describe Fort Mims. What measures did General Claiborne take? Describe the attack on Fort Mims. What was occurring in Clarke County? What was the attitude of the Choctaws? Of the Chickasaws? What was the effect of the fall of Fort Mims on the Tennesseans? Tell what you know of the following: High-Head Jim; Big Warrior; Dixon Bailey; Major Bensley; Pushmataha; Fort Madison; Autose; the cut-off; Tuscaloosa Falls.

CHAPTER XIII.

THE CREEK WAR.

JACKSON came at the head of the volunteers from middle and west Tennessee. But his was only one of four armies which in the autumn of 1813 moved against the Creeks. One, as we have seen, came from the west, and was commanded by General Claiborne. Another came from east Tennessee, and was commanded by Major-General John Cocke. The fourth came from Georgia, and was commanded by Brigadier-General John Floyd. Let us first follow the men from west Tennessee.

After crossing the Tennessee, Jackson was joined by Colonel John Coffee, who had preceded him. Coffee was now sent to an Indian town on the Black Warrior River, which he found deserted. He burned it, and rejoined the main army at Thompson's Creek. Jackson established a depot at Fort Deposit, and moved over the mountains towards the Coosa.

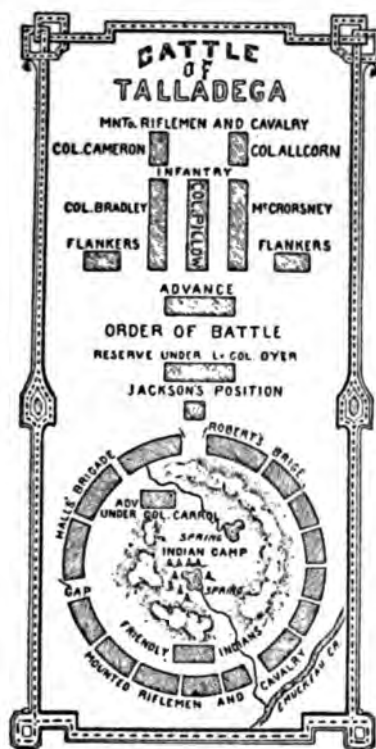
The first important engagement was at Tallasahatchee, not far from the present Jacksonville. On November 3 a body of hostiles who had assembled at this point were attacked by Coffee (now promoted to be brigadier-general), with some five hundred whites and a party of friendly Creeks and Cherokees. The action was brief, but bloody. The Red Sticks were simply destroyed; the bodies of one hundred and eighty were counted on the field. Coffee's loss was five killed and eighteen wounded.

Jackson built another depot of supplies on the Coosa, and called it Fort Strother. His next move was to march to the relief of some friendly Creeks who were besieged in a town

called Talladega (Talatigi), situated about where the city of Talladega now stands. One of the besieged had crept through the camp of the hostiles disguised in the skin of a hog and fled to the Tennesseans for help. Jackson and his

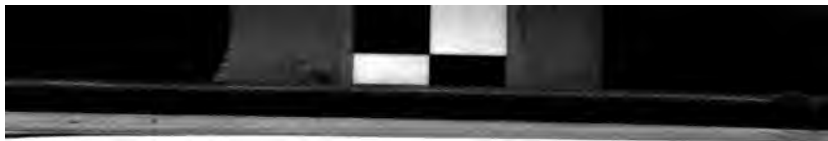
men reached the neighborhood of the town the evening of November 8, and made the attack early next morning. The hostiles, numbering perhaps a thousand, fought bravely, but their loss was very heavy, and in the end they were driven away, and the friendly Indians saved. Jackson's loss in killed and wounded was about one hundred. After burying his dead he marched back to Fort Strother. Here he found that the supplies he had expected for his troops had not come. This mismanagement, and the fact that many of his men had enlisted for only a short term of service, kept him inactive for two months.

Meantime, the other three armies were not idle.



From Lossing's Field Book.

General White, with a force of General Cocke's east Tennesseans, reached Turkeytown, not far east of Fort Strother, early in November. Jackson ordered him to march to Fort Strother to protect that place, while he himself went on the expedition to Talladega. This order General White started



BATTLE OF AUTTOSE.

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to obey, but at the command of General Cocke he returned to Turkeytown. A few days later, on November 18, he surrounded the Hillabee town, whose people were already negotiating for peace with General Jackson, killed sixty of their warriors, and took two hundred and fifty prisoners. The remaining Hillabee Indians believed that this was treachery on the part of Jackson, so they joined the hostiles and became relentless foes of the whites. After this mistake General Cocke gave up the hope of winning victory by himself, and reported at Fort Strother with some fourteen hundred men. Jackson sent him back to east Tennessee with those of his troops whose terms had expired, ordering him to raise more men and lead them into the Creek country.

By this time General Floyd and the Georgia troops had crossed the Chattahoochee and were advancing towards the Tallapoosa, guided by Abram Mordecai, a Jew who had lived many years among the Indians. On the morning of November 29 they attacked a large force of the hostiles who were assembled in the town of Auttose, on the east bank of the Tallapoosa, not many miles above its junction with the Coosa. It was intended that the friendly Indians should cross to the western side of the river and prevent the enemy from escaping; but this they failed to do. The Cowetas, under McIntosh, their half-breed chief, and the Tukabatchis, under a chief named Mad Dog, fought bravely on the side of the whites. The hostiles made a good resistance, losing probably two hundred warriors, but were driven from the town. Floyd did not pursue them, but withdrew to Fort Mitchell, where he was kept for some weeks awaiting supplies.

We now turn to General Claiborne in the southwest. During the months of October and November there were several meetings between small parties of whites and Indians in this quarter. On October 4 Colonel William McGrew, with twenty-five mounted militia, met a party of hostiles at Barshi Creek. An engagement took place in which his force was

beaten and himself slain. Finally, General Flournoy gave his consent to an active offensive campaign, and Claiborne accordingly crossed the Tombigbee and scoured the country along the northern border of the settlements in Clarke County. He occasionally met small bodies of Indians, but he was unable to bring about a decisive battle.

The enemy were roving through this region and along the lower Alabama, making it impossible for the settlers to gather



From Claiborne's *Life of Sam Dale*.

SAM DALE IN THE CANOE.

their crops. Samuel Dale, now recovered of his wound, set out with about seventy men to drive the marauders from the frontiers. From Fort Madison he marched southeastward to the Alabama, crossed the river, and moved up its eastern bank to a point opposite the farm of Dixon Bailey, the brave half-breed who fell at Fort Mims. Here signs of Indians were discovered. At Randon's plantation, a few miles farther up, Dale sent most of his men over to the western bank in two canoes, which had been obtained from a negro named Caesar. Dale himself and eleven of his party



THE CANOE FIGHT.

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were still on the eastern bank, when those on the other side gave warning that the enemy was descending. Soon a large canoe appeared floating down the stream, and in it eleven stalwart warriors. What followed is perhaps the most remarkable incident in the entire history of Indian warfare.

Two of the Indians left the canoe and started to swim ashore ; one was killed and the other escaped. The nine remaining lay flat in the bottom of the boat, and thus escaped the rifle balls of Dale and his men. The smaller of Cæsar's two canoes had been brought back to the east bank, but the larger was still on the west bank. At Dale's command, which he shouted across the river, eight men sprang into it and paddled out, but they retreated to the bank on finding that the Indians were alive. Enraged at this, Dale leaped into the smaller canoe, which could hold but four men. James Smith and Jeremiah Austill, two athletic young men, followed. Cæsar handled the oar, and soon brought them close to the Indian boat. A chief, recognizing Dale, cried out, "Now for it, big Sam," and the battle began—a conflict of three against nine. They fought with clubbed guns, for the Americans had wet their priming. The nine were killed and their bodies were tossed into the waters of the Alabama ; the three escaped almost unhurt.

This astonishing exploit was witnessed from both banks by members of Dale's force. Soon afterwards the whole party returned to Fort Madison.

About the middle of November General Claiborne marched to Weatherford's Bluff on the Alabama, a few miles above the scene of the canoe fight, to build a depot of supplies for General Jackson. By the end of the month a stockade was completed ; it was called Fort Claiborne. At this point the volunteers and militia were joined by Colonel Russell with the Third Regiment of United States troops, and Claiborne set forth on an expedition against a place called Echnachaca (Ikana Chaca), the "Holy Ground," situated on a

bluff on the Alabama just below Powell's Ferry, in the present county of Lowndes. The force now numbered nearly a thousand, and there were about one hundred and fifty Choctaws under Pushmataha. On the way another fort was built at Fort Deposit.

The attack was made on December 23. The Indians had been told by their prophets that the earth would be covered with every white man who dared approach the Holy Ground.



PUSHMATAHA.

doubtless they were discovered when they found that the prophecy was not fulfilled. Nevertheless, under Weatherford's leadership they made a brave fight. In the end, however, they fled, leaving thirty dead, of whom several were negroes. Weatherford owed his escape to his horse, which leaped over the bluff into the river and brought him safely to the western bank. The town was burned.

The terms of most of the volunteers had now expired, and they were mustered out of service. They had suffered from cold and hunger, and their pay was still due. General Russell, left in sole command at Fort Claiborne, made an expedition up the Cahaba River to a place called Old Towns, but he accomplished nothing there, and returned to Fort Claiborne, and from this time the war was left mainly to the Tennesseans and Georgians.

For a while it almost seemed that Jackson was going to fail. What with famine, the reduction of his force by the expiration of the terms of service of his volunteers, the mutiny among those who remained, his indomitable will was tried to the uttermost. At one time he had but a few men at Fort Strother.

At last, however, two new regiments, numbering together eight hundred and fifty men, enlisted for sixty days, arrived from Tennessee. With these and some friendly Creeks and Cherokees, Jackson once more marched towards the Tallapoosa about the middle of January. On January 22, 1814, while encamped near the village of Emuckfau, in the present Tallapoosa County, he was attacked at early dawn by a strong force of Red Sticks. The battle lasted several hours, and it was only with the greatest difficulty that the enemy was driven off.

The next day the army started back to Fort Strother, and the second day it was again attacked while crossing a creek near the village of Enitachopco, and was in imminent danger of being routed. The valor of a few men in the rear guard saved the day, but the Creeks boasted that they had whipped "Captain Jackson." Returning to Fort Strother, the commander dismissed the sixty-days men, and again was compelled to wait for reinforcements and supplies. It can hardly be said that the expedition accomplished anything of value against the Creeks. True, there had been counted on the two battle-fields one hundred and eighty-nine bodies of slain warriors, as against a loss to the whites of twenty killed and seventy wounded. But the power of the hostiles was not yet broken.

Nor was the second attempt of Floyd and his Georgians much more successful. With about twelve hundred troops, not counting a company of cavalry and some four hundred friendly Indians, General Floyd had taken the field in January, making Tukabatchi his objective point. Encamping near the Callabee Creek, he was attacked early on the morning of January 27, and suffered a loss of seventeen killed and one hundred and thirty-two wounded before the Red Sticks were driven off. His army retreated back to the Chatahoochee, there to await reinforcements.

The Creeks were certainly making a brave stand, and no

one can help admiring their desperate valor. If, however, they had any hope of final triumph, they little knew the character of the iron Tennessean who had resolved to break their Confederacy in pieces.

John Coffee (1772-1833) was General Jackson's companion throughout the Creek War and at the battle of New Orleans. He was a Virginian by birth, but moved to Tennessee in 1798. After the battle of New Orleans he was promoted to the rank of major-general. In 1817 he was made surveyor-general of Alabama, and moved to Huntsville. Two years later he settled in Lauderdale County, where the remainder of his life was passed. He was buried in his family cemetery, three miles north of Florence.

Pushmataha, the Choctaw, ranks very close to Tecumseh as an orator and warrior; but, unlike Tecumseh, he was always a firm friend of the whites. When but twenty years of age he distinguished himself in a contest with the Osages. In 1824 he visited Washington, and died there in December of that year. He was buried in the Congressional cemetery. John Randolph eulogized him in Congress. General Jackson pronounced him the bravest Indian he ever saw.

The canoe fight is only one of many stirring adventures which entitle Samuel Dale to a place by the side of Boone and Kenton in the list of heroic pioneers. Dale was born in 1772 on the frontier of Virginia, and his whole life was passed close to the homes of Indians. In early manhood he was employed as a scout on the frontier of Georgia, and for years he was a trader among the Creeks. He was present at Tukabatchi when Tecumseh spoke there, and warned Benjamin Hawkins, the superintendent, of the coming trouble. He fought bravely at Burnt Corn and other engagements, and later in the war saw service with Jackson and was present at the battle of New Orleans. After the war he served in the Alabama legislature, and was made a brevet brigadier-general. Dale County was named in his honor. Late in life he moved to Mississippi, and died in 1841 at his residence, Daleville, Lauderdale County. In person he was tall and muscular, and bore a striking resemblance to the red men among whom he lived. The Indians admired and loved him in peace as they dreaded him in war.

Jeremiah Austill was born in 1794. He was but nineteen at the time of the canoe fight. For many years he was a respected citizen of *Mobile*.

James Smith was a Georgian by birth, and spent the latter part of his life in Mississippi.

Benjamin Hawkins (1754-1816) was born in North Carolina. At the outbreak of the Revolutionary War he left Princeton College, where he was then a student, and served as an interpreter for Washington and his French officers. After the war he represented his native State in Congress, and was for a time a member of the United States Senate. Chosen by Washington to be superintendent of Indian affairs, he took up his residence among the Creeks and devoted his energies to their improvement. He taught them to build mills, to make wagons and implements of agriculture. By living among them he deprived himself of comforts and luxuries which he might have had elsewhere if he had chosen, for he was a wealthy man. As a rule, the Indians loved and trusted him. He helped to arrange the treaty of Fort Jackson.

QUESTIONS.

Tell of the four armies which moved against the Creeks in the autumn of 1813; give names of the leaders. Describe the battle of Tallas-hatchee. Tell what you know of the fight at Talladega. What was the condition of Jackson's army at Fort Strother? What did the east Tennesseans do? Describe the battle of Auttose. Tell the story of Dale's expedition and the canoe fight. Tell of General Claiborne's expedition to the Holy Ground. What became of Claiborne's army? Describe the battles of Emuckfau and Enitachopeo. Tell what you know of General Floyd's second expedition. Tell what you know of the following, pointing out places on the map: Fort Strother; Turkeytown; the Hillabee massacre; Abram Morlecai; Mad Dog; William McGrew; Caesar; Jeremiah Austill; James Smith; Weatherford's leap; Fort Claiborne; Pushmataha; Cahaba Old Towns; Callabee Creek.

CHAPTER XIV.

THE CREEKS CONQUERED—ALABAMA A TERRITORY

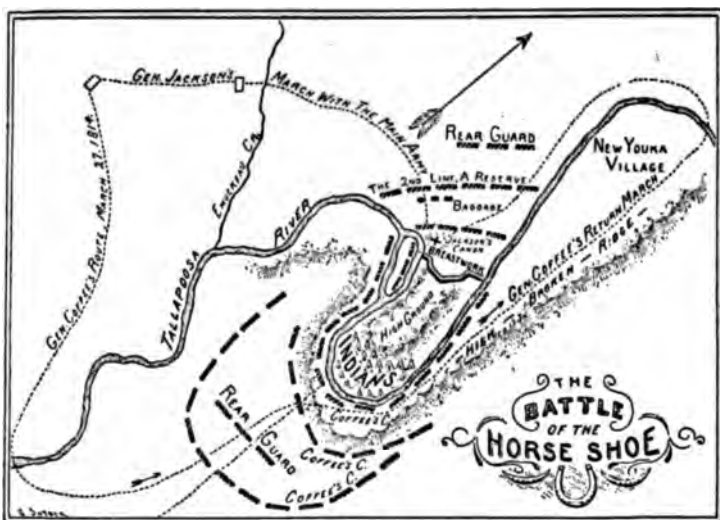
IN February General Jackson learned that the great of the Red Sticks were gathered in a peninsula formed by the bend of the Tallapoosa River, not far from Emuckfau. March, having received from Tennessee several regiments of fresh troops, he determined to strike a blow at this. Leaving a sufficient garrison at Fort Strother, he sent supplies down the Coosa to the mouth of Cedar Creek, where a fort was begun and named Fort Williams. Then, with about two thousand men, he made his way across the neck between the Coosa and the Tallapoosa to the neighborhood of the enemy's position.

The peninsula on which the Creeks were entrenched was called by the whites the Horseshoe. The Indians themselves called the place Tohopeka (To-hōp-ka). Here were assembled about a thousand warriors, the flower of the remaining Red Sticks. Across the entrance to the peninsula they had thrown a breastwork of logs. Around and behind them was the river.

General Coffee was sent across the Tallapoosa with a force to cut off the enemy's retreat, and at ten o'clock on the morning of March 27 Jackson moved against the breastworks. While his men were storming these, the friendly Chickasaws crossed from the other side and reached the end of the peninsula, and burned the village. The Creeks, caught between two fires, fought bravely to the end. Jackson offered them mercy if they would surrender, but they answered with shots and yells. A few escape

swimming the river, but five hundred and fifty-seven were found dead on the field. Jackson had lost thirty-two killed and ninety-nine wounded, not counting the loss among the friendly Indians. But he had forever broken the power of the Creeks. After the battle of the Horseshoe no strong force was ever brought against the whites, though small parties were still in arms.

Jackson now marched southward to the Hickory Ground,



the enemy scattering and flying before him. Many came in and surrendered ; others escaped towards Florida and took refuge at Pensacola, where the British agents tried to rally them. Marching to the head of the peninsula between the Coosa and the Tallapoosa, the victorious Tennesseans proceeded to build a stockade, which they called Fort Jackson, on the spot where Bienville had built Fort Toulouse a hundred years before. To Fort Jackson came chief after chief

and surrendered, and at length Weatherford himself rode up to Jackson's tent and announced that his people could fight no longer. The general, respecting the valor of so brave a foeman, protected the fallen warrior from the violence of the whites and of the friendly Creeks. Weatherford took no further part in the war except to urge his people to surrender. In later years he lived among the white people of Monroe County, and he was not a bad citizen when Alabama became a State.

Some troops from Georgia and South Carolina were at this time occupying a post called Fort Decatur, on the Tallapoosa, in the present Macon County. In April Major-General Thomas Pinckney, in command of the southern department, marched from Fort Decatur to Fort Jackson. He ordered the west Tennessee troops, whose terms were expiring, to return to their homes, and General Jackson went with them. Pinckney then sent out parties to scour the country for the remaining Red Sticks.

In July, however, Jackson returned. He had been made a major-general, ordered to take command of the southern army, and empowered to make a treaty with the vanquished Creeks. After some opposition a number of chiefs agreed to his terms, and on August 9 the treaty of Fort Jackson, a very important document in Alabama history, was signed. The Creeks gave up all claim to the lands lying west of the Coosa, and they agreed to a boundary line on the south drawn in a southwestern direction from the falls at Wetumpka to the mouth of Summochico Creek on the Chattahoochee, below the town of Eufaula. Thus they surrendered about one-half the present State of Alabama, paying in this way the penalty for their war against the whites. They also surrendered to the United States Government large tracts east of the Chattahoochee, out of which twenty counties of Georgia have since been formed.

Jackson's eyes were now turned to the southward. The

British at Pensacola, clearly assisted by the Spanish authorities, were trying to restore the spirit of the Red Sticks and planning an attack on Mobile and New Orleans. So Jackson at once proceeded down the river to Mobile, where he made his headquarters; and troops were hurried southward from various parts to resist the threatened attack on the two cities. Fort Bowyer, on Mobile point, had been abandoned by General Flournoy, but it was now re-occupied and garrisoned. This was hardly done when a land force of some six hundred Indians, with a hundred and thirty British marines, advanced against it, supported by two British sloops of war and two brigs. The attack lasted through September 15. Major Lawrence, who was in command, had a small garrison of one hundred and thirty, but he used his artillery with good effect. The assailants were finally repulsed, and the flagship *Hermes* was blown up by the explosion of her magazine. The American loss was slight, but the British had several hundred killed and wounded.

Jackson, having lost all patience with the Spaniards, determined to occupy Pensacola, where the British had been permitted to deposit arms and even to man the forts. In October several thousand troops had reached the Tensaw neighborhood, on their way to defend Mobile and New Orleans. Hurrying up the river to meet them, the general turned them towards Florida, and on November 7, after a brief struggle, he entered Pensacola. Fort St. Michael was occupied, but the enemy blew up Fort Barrancas before the Americans reached it. Returning to Fort Montgomery, in the Tensaw country, Jackson ordered Major Uriah Blue, with a sufficient force, to scour the swamps and bays of West Florida for the remaining Red Sticks, who had been driven out of their refuge at Pensacola. He himself, with the main part of his army, departed for New Orleans, there to win the crowning triumph of his military career. Major Blue faithfully accomplished his mission, and thus ended the war between the

Creeks and the United States. It ended in the utter overthrow of the Indians, but it is doubtful if a fight was ever maintained more bravely by any people. The achievements of the Red Sticks are all the more remarkable, when we remember that large numbers of the Creeks refused to "take the war talk" and were steadfastly friendly to the whites throughout the struggle.

The treaty of peace between Great Britain and the United States was signed at Ghent on December 24, 1814, but when the news reached General Jackson the battle of New Orleans had been fought. Soon afterwards a British fleet appeared at Mobile Point, and five thousand men were landed. Major Lawrence, seeing that resistance was hopeless, surrendered the post, and the garrison, numbering three hundred and sixty, became prisoners of war. This was on February 12. A month later the news of the peace had reached the southern country. The British departed on April 1, and thus the soil of Alabama was freed of foreign occupants. So we may now turn from battles and marches to the more peaceful agencies at work in the upbuilding of the future State.

The year 1816 is notable for three important cessions of land. The first was made by the Cherokees. For \$65,000 they gave up all their claims west and south of a line drawn from Chickasaw Island, in the Tennessee, due south to the top of the dividing ridge between the waters of the Tennessee and the Tombigbee, thence eastwardly to the west branch of Wills Creek, and down that creek to the Coosa River. The second was made about the same time by the Chickasaws. For a small money payment they gave up their claims east of a line drawn from the mouth of Caney Creek on the Tennessee, in the present Colbert County, in a generally southwestern direction to Cotton Gin Port on the Tombigbee. The third was made by the Choctaws, who gave up all their remaining claims east of the Tombigbee.

These cessions, following the treaty of Fort Jackson, left

about three-quarters of the lands in Alabama open to settlement by white men; but the Creeks showed their ill will now and then, and committed occasional outrages.

During the war the settlements in the Tombigbee and Tensaw country had received little increase, but Madison County had not suffered. Its population at this time was about ten thousand, and in June, 1815, it elected three delegates to the Territorial legislature, while the Washington district on the Tombigbee sent but two. Immigration began afresh, and by the close of the year 1816 the population of the whole Territory was not less than seventy-five thousand. Nearly thirty thousand of this belonged to the eastern or Alabama section. Holmes, who had been a faithful and energetic official in war time, was still governor.



SETTLER'S CABIN.

The two years immediately following the peace were chiefly notable for the rapid increase of settlers, the felling of forests, and the building of cabins. From Virginia, Georgia, and the Carolinas an ever-growing stream of immigrants, mainly of good English and Scotch-Irish stock, poured through the Creek country to the heart of the Territory. The Tennessee Valley drew largely on the sturdy folk of Tennessee, chiefly of Virginia or Carolina blood. Such a rapid growth of population in a Territory is always followed by an appeal for admission as a State. The people of Mississippi Territory had, in fact, been asking for admission before the war; and now the movement grew stronger. At the same time it was felt that the Territory was too extensive to be made into a single State, and the question was raised whether it should be divided by a line running east and west or north and south. If the

lands acquired from Spain in 1810 had been made part of Mississippi, the line would probably have run east and west ; but Louisiana obtained the country as far east as the Pearl.

By Act of Congress of date March 1, 1817, the Territory was divided by the line which now separates the States of Mississippi and Alabama. Beginning at the point where the Tennessee River crosses the southern boundary of Tennessee, the line ran up the river to the mouth of Bear Creek, thence direct to the northwest corner of Washington County, and thence due south to the Gulf. The western half retained the name of Mississippi, and was at once admitted as a State. On March 3 the eastern half was organized as a Territory, and was called Alabama.

QUESTIONS.

Describe the Horseshoe. Tell about the battle there. Who succeeded Jackson, and what did he do ? Why did Jackson return to the Creek country ? What was the boundary established by the treaty of Fort Jackson ? What were General Jackson's movements after leaving Fort Jackson ? Describe the attack on Fort Bowyer. How and why was Pensacola taken ? What was Major Blue's mission ? What military events happened in the south after the treaty of Ghent ? What Indian cessions were made in 1816 ? What was the effect of the peace on immigration ? What important Act of Congress was passed on March 1, 1817 ? What on March 3 ? Tell what you know of the following, pointing out places on the map : Fort Williams ; Tohopeka ; Fort Toulouse ; Weatherford ; Fort Decatur ; Major Lawrence.



CHAPTER XV.

ALABAMA A STATE IN THE UNION.

ALABAMA as a Territory was in a stage of progress towards statehood through which most of the States in the Union have had to pass. Its governor and secretary were appointed by the President, and the governor's powers were very extensive. There was a legislature of two chambers, the upper chamber called the Legislative Council, the lower called the House of Representatives. The act of Congress provided that those members of the Legislative Council of Mississippi Territory who represented the counties now thrown into Alabama should constitute the first Legislative Council of the new Territory, and that its first House of Representatives should be made up of the members from those counties who were sitting in the House of Representatives of Mississippi Territory. It was further provided that all persons then holding public office should remain in office as before, and that all laws in force at the time the act went into effect should continue in force ; but a new judge was to be named, who, with the two already in office, should make up a general court at St. Stephens. St. Stephens was named as the seat of government until the legislature should otherwise order. The act of Congress did not go into effect until Mississippi had adopted a State constitution.

This was done in the summer of 1817, and then the President appointed William Wyatt Bibb, of Georgia, governor of Alabama Territory. He was a Virginian by birth, a graduate of William and Mary College, and a physician by profession. *He had sat in the Georgia legislature, in the House of Rep-*

representatives at Washington, and in the Senate of the United States. Obedient to his call, the legislature convened at St. Stephens January 19, 1818. As it happened, James Titus was the only member of the Legislative Council. It is said that he sat alone, in a separate chamber, and went through all the forms of legislation, "meeting" and "adjourning" with much ceremony. In the House of Representatives the counties of Baldwin, Clark, Madison, Washington, Monroe, Mobile, and Montgomery had representatives. Gabriel Moore, of Madison, was speaker. Monroe had been established in 1815, and Montgomery in 1816.

Governor Bibb in his message called attention to a petition of the Mississippi convention asking Congress to shift the boundary line to the Tombigbee River. But the people of Alabama successfully opposed this. The legislature promptly went to work. The names of six persons were sent to the President of the United States, and he chose three of them to be additional members of the Council. A stock bank already in existence at Huntsville had its name changed, and the Tombegbee Bank, with a capital of \$500,000, was established at St.



ONE OF THE FIRST BANK BILLS ISSUED IN ALABAMA.

Stephens. The St. Stephens Academy and the St. Stephens Steamboat Company were incorporated. Commissioners were chosen to select a permanent capital. The Territory was

divided into three judicial districts. Thirteen new counties were established—Cotaco, Lawrence, Franklin, Limestone, Lauderdale, Blount, Tusculoosa, Marengo, Shelby, Cahaba, Dallas, Marion, and Conecuh—and the boundaries of Washington, Baldwin, Mobile, and Madison were altered.

These were the principal acts of the first representative body of lawmakers that ever sat on Alabama soil. Its second and last session was held in November, 1818. At this session two new counties, St. Clair and Autauga, were established; another bank was chartered, this time for Mobile; and the banks at St. Stephens and Huntsville were empowered to increase their capital stock. A tract of land at the confluence of the Cahaba and Alabama rivers was selected for the seat of government, and Governor Bibb was commissioned to lay off there the new town of Cahaba.

The remnants of the Red Sticks made trouble again in 1818, when some atrocious murders were committed in southern Alabama by a party led by Savannah Jack, a relentless hater of the whites. Samuel Dale, who had been commissioned colonel, led a force against them, and they were with some difficulty driven away. The whites were then permitted to occupy peacefully the lands ceded at Fort Jackson. The next year more lands were opened to immigration by a new cession from the Cherokees. This was made at Washington in February, and included all Cherokee claims in Alabama north and west of the Tennessee River. The lands thus obtained are now embraced in the counties of Jackson, Madison, and Marshall.

But the great importance of the Territorial period lay in the rush of immigrants. In the spring of 1817 the movement was so rapid as to threaten many with starvation unless supplies were sent them from other parts. The price of provisions was very high. Flour was selling at Fort Claiborne at twenty dollars a barrel, and corn at five dollars a bushel.

The immigrants were not wealthy, as a rule; but neither

were they shiftless outcasts from the older communities. They were people who wished to better their condition, and who were not afraid of a long journey or of facing rough surroundings. Soon their numbers were increased by a different class—wealthy planters, who came with numerous slaves to cultivate the rich cotton lands of the prairie belt.

The States contributing most to swell the stream were Virginia, the Carolinas, Georgia, and Tennessee; but there were many who came from States further north, even from New England. As a rule, the Georgians settled in the east, and the Tennesseans in the northern and middle regions, while the Virginians and Carolinians were apt to seek the bottom lands near the great rivers, or the fine agricultural regions in the west and southwest.

The distribution of the immigrants into different quarters soon began to give to each of the communities its own peculiar character. The wealthier immigrants preferred the level lands, suitable for plantations of many acres; the poorer were content with smaller farms among the hills. As yet there were no large towns, but it was at this time that most of the important towns and cities in the State were founded.

One band of immigrants was particularly interesting. During the winter of 1816–1817 a number of Napoleon's old followers, set adrift by the battle of Waterloo, and exiled from France by an ordinance of Louis XVIII., came to America. Congress authorized the sale of four townships of the public domain to the refugees at two dollars an acre, on condition that they cultivated the vine and the olive. They decided to settle near the confluence of the Tombigbee and the Warrior. To promote this enterprise a company or association was formed at Philadelphia, and lots were assigned to the individual colonists. Unfortunately, the assignments were made in a bungling fashion, and on the wrong land, and so had to be changed. This caused much hardship to the colonists. Most of the grants lay in Marengo County, which

was named for one of Napoleon's great battles, and the colonists founded Demopolis ; but there were also some grants in Greene County. Among those who came to Alabama were several officers who had been highly distinguished in Napoleon's wars. One of them, General Desnoettes, had been chosen by the fallen emperor to receive his last embrace when he bade farewell to his officers before he sailed for Elba. Another was a son of that Marshal Grouchy who is most blamed for the loss of Waterloo.

The colony was not successful. The experiment of cultivating grapes and olives failed. Many of the colonists sold their grants, but others remained and became a permanently valuable element in the population of the State.

With all this immigration the population of Alabama increased very rapidly. The increase in 1818 was estimated at thirty-five thousand ; in 1819, at forty thousand. The total population in 1818 was computed at sixty-seven thousand, of whom over twenty-one thousand were slaves and above three hundred free persons of color. As a result of this astonishing increase Congress, on March 2, 1819, just one day less than two years after the act that made Alabama a Territory, passed another act permitting its people to form a constitution preparatory to its admission into the Union of States.

This Enabling Act, as it was called, defined the limits of the future State, authorized all male citizens of the United States who had lived three months in the Territory to vote for representatives in a constitutional convention, named a date for the election and for the assembling of the convention, and left the rest to the convention itself. Congress also offered to the State all the salt springs within its limits ; the sixteenth section of every township of the public lands, for the support of schools ; twenty-two sections of land for the use of a "seminary of learning" ; sixteen hundred and twenty acres for the seat of government at Cahaba ; and five *per cent* of the net proceeds from the sale of public lands,

to be spent on internal improvements. All of these offers were accepted.

The elections were held in the various counties early in May. Madison was entitled to eight delegates, the largest number any county was allowed to choose. The total was forty-five, and of these forty-four appeared at Huntsville on July 5, and set about the most notable work a self-governing people ever has to do.

It is of great importance for us to understand what the convention at Huntsville set itself to do. In making a constitution it was determining how laws should be made in Alabama, how interpreted, and how executed. But the constitution must be such a one as should not conflict with the Constitution of the United States, of which Alabama was about to become a member; and it must be republican in form. According to our American system certain general powers are given to the Federal government and other powers are reserved to the several States; and the convention had to determine how those powers not given to the government at Washington and not denied to the separate States should be exercised in Alabama. The delegates were guided in their work by the examples of the older States and by certain great principles of government worked out by our ancestors in England and in the colonies before the Union of States was formed.

The men who sat in the convention were good representatives of a young and vigorous commonwealth. Among them were future governors, justices of the Supreme Court of the State, congressmen, and senators; one was destined to be for a brief period vice-president of the United States. John W. Walker, of Madison, was chosen to preside. By the second day of August the work was finished and sent to Congress for its approval.

The Constitution began with a declaration of rights, setting forth the great principles of free government on which American institutions are based. It declared that all politi-

cal power belongs to the people, and it enumerated the rights that belong to individuals and with which no government should interfere. Among these are the right to worship God as one's conscience directs, the right of free speech, the rights of property, and the right of trial by jury.

To make the laws of Alabama the Constitution established a General Assembly of two houses, the Senate and the House of Representatives. The members of both houses were to be chosen by popular vote. The right to vote was given to every white male twenty-one years of age or older on condition that he resided a year in the State and three months in the county or senatorial district in which he offered to vote. The term of senators was fixed at three years, that of representatives at one year.

At the head of the officers charged with executing the laws was to be placed a governor, chosen by popular vote for a term of two years, the same man being ineligible for the office for more than two terms in six consecutive years. The governor was made commander-in-chief of the State militia, except when it should be called into the service of the United States. He was invested with authority to call extraordinary sessions of the Assembly, and to veto its acts, which then could become laws only if they were again passed by a two-thirds vote of both houses; and he was empowered to grant reprieves and pardons in all cases except treason or impeachment. To help him in his duties the Assembly was required to elect a secretary of state, a State treasurer, and a comptroller of public accounts.

The judicial power was vested in a supreme court, a circuit court to be held in each county, and such inferior courts as the Assembly should from time to time establish. Even the final constitution of the Supreme Court was left to the Assembly, but meanwhile its duties were imposed on the several circuit judges sitting together.

The Assembly was also empowered to provide for a court

of chancery and of probate in each county, and for justices of the peace. Judges were to be chosen by the Assembly, and to hold office during good behavior, except that no judge should hold office after reaching the age of seventy.

Among the provisions of the Constitution were certain clauses about slaves. The Assembly was forbidden to pass laws for the emancipation of slaves without the consent of their masters, or to prevent immigrants from bringing their slaves into the State. It was declared that any person maiming or killing a slave should be punished as if the victim were a white person, unless the slave were in insurrection.

The work of the convention was approved by Congress, which on December 14, 1819, resolved :

“That the State of Alabama shall be and is hereby declared to be one of the States of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever.”

In November, 1818, General Jackson appeared as a bidder at the sale of public lands at Huntsville. Rich and poor, speculators and settlers, kept silence, and the land was knocked down to him at the lowest price, which was two dollars an acre. The prices paid by other purchasers were much greater. During the first session of the first State Assembly the general was again at Huntsville with his race horses. Both houses passed resolutions of respect, and he was invited to visit and take a seat in either house whenever he liked.

QUESTIONS.

How was the first Territorial legislature made up ? Tell what you know of the first governor. Mention the principal acts of the legislature. What were the sources of immigration to the Territory ? What do you know of the French colony on the Tombigbee ? Give the figures as to population and immigration in 1818 and 1819. Give the principal provisions of the Enabling Act. Describe the Huntsville convention. State clearly what it had to do. Tell what you know of the following : The declaration of rights ; the law-making power ; the executive power ; the judicial power ; the regulation of slavery.



CHAPTER XVI.

THE STATE GOVERNMENT ORGANIZED—GOVERNORS WILLIAM W. BIBB AND THOMAS BIBB.

ALABAMA was now a State in the Union. So its political history began to have two sides. On the one hand there was the State government, as established by the State Constitution, to be administered by State officers. On the other hand there were the duties and responsibilities which belonged to Alabama as a part of the Federal Republic. These were set forth in the Constitution of the United States. But for years our chief interest must be in the affairs that belonged to the people of the State quite apart from the Federal government.

As soon as the State Constitution was framed the work of carrying out its provisions was begun. In September elections were held to choose a general assembly, a governor, one representative in Congress for the whole State, clerks of the several courts, and a sheriff for each county.

William W. Bibb was chosen governor by a majority of more than one thousand over Marimaduke Williams, of Tusculoosa, the total number of votes cast for both being over fifteen thousand. John Crowell was chosen representative in Congress.

On the fourth Monday of October the General Assembly met at Huntsville and set about organizing the State government. But before we describe the Assembly's work let us see what was the condition of the people with whose affairs it had to deal.

The census of 1820 showed a population of 137,001, not

including Indians. The whites were 95,451, the negroes 42,450; and nearly all the negroes were slaves.

Agriculture was the chief industry; it may be said it was the only important industry, for those who were not engaged in planting were as a rule occupied in furnishing supplies to the planters or in transporting or otherwise handling their crops. The principal crop was cotton, and for years the people of the State were to rest content with this one gift of nature, leaving a later generation to profit by the wonderful



RUINS OF GENERAL LAND OFFICE, OLD ST. STEPHENS.

mineral riches hidden beneath the mountains. In the year 1817-18 seven thousand bales of cotton left the port of Mobile, and four years later the total rose to twenty-five thousand.

Farming lands were in great demand, and the immigrants were eager to get land of all sorts. Before the State was admitted to the Union Congress had surveys made, and when the land office opened at Huntsville prices were quite high. Eighty-three dollars per acre was bid for second-rate land. By this time Huntsville had outstripped St. Stephens, whose land office became comparatively unimportant.



The great drawback was the lack of good means of transportation. The roads were bad, and on the rivers flatboats were still in use. It took a traveller three months to go from Mobile to Montgomery in 1819. The Steamboat Company of Alabama was chartered in 1820, and the Mobile Company in 1821, but it was some years before there was a good service on any Alabama river.

Life in such a new country was bound to be pretty rough for a time. Luxuries could scarcely be had at any price, and many things that nowadays would be called necessities were wanting. Not a town in the State had a population of two thousand. Huntsville, Claiborne, Mobile, Cahaba, old St. Stephens, Florence, and Montgomery were as yet only villages, but they all expected to be cities very soon, and their building lots sold at good prices. When Florence was laid out, fifty-two lots sold for eighty-three thousand dollars.

Even in the towns there were as yet but few schools. About the beginning of the century a young man from New England, named John Pierce, had set up a school in the Tensaw neighborhood. Except, perhaps, in Mobile, where priests had doubtless acted as teachers early in the colonial period, this was the first school in the State. Washington Academy was established at St. Stephens in 1811; and the next year Greene Academy was established at Huntsville, where it remained until its buildings were burned during the Civil War. But Alabama had no system of public schools until many years after it became a State. The rich planters usually hired tutors for their children, and many sent their sons to college when they grew to a sufficient age.

The churches multiplied more rapidly. The pioneer church was the Roman Catholic, as it was the established church both of the Spaniards and the French. Mobile's first parish priest, Henri R. de la Vente, was a zealous worker for his faith, and *his successors* were equally zealous. Churches were built at *Mobile and on Dauphine Island*. When the English came

the Roman Catholics lost some of their strength, but they regained it after the conquests of Galvez.

The Protestants in the Tensaw and Tombigbee neighborhoods were long without church buildings or settled ministers; but after a while missionaries representing the various denominations came among them. Lorenzo Dow, a wandering preacher, appeared on the Tensaw as early as 1803. Many hardy evangelists came with the great rush of immigration following the Creek war. They were chiefly Methodists and Baptists, and they preached the Gospel wherever a body of hearers could be assembled—in private houses, in court-houses, in the open air. The work required courage and endurance, but many of the immigrants were God-fearing people, and before long every community of considerable size had at least one house of worship. In 1820 the Presbytery of Alabama was established. By 1821 there were seventy Baptist churches in the State. From this time all the Protestant denominations made rapid progress.

Governor Bibb was inaugurated on November 9. His message to the Assembly called attention to the liberal land grants by Congress for purposes of education and internal improvements. He reported that the new capital, Cahaba, had been laid off, and that from the sale of lots over one hundred and twenty-three thousand dollars had been obtained; one-fourth of this sum was to be used in building a temporary State House. The Assembly, to complete the executive department, already headed by the governor, elected Thomas A. Rodgers secretary of state, Samuel Pickens comptroller of accounts, and Jack F. Ross treasurer.

The next step was to organize the judiciary. At the bottom of the system were the justices of the peace. Under the Territorial government these had been named by the governor. Under the State government it was provided that within the limits of each militia company district in the several counties two justices and one constable should be

chosen by the qualified electors. The method of choice remained practically the same down to the period of the Civil War. The militia in those days included the whole white male population, with a few exceptions, such as judges and ministers.

The judges of the county courts had also been named by the governor in the Territorial period. Under the State government the General Assembly had power to choose one probate judge for each county. This system remained in force until 1850. The first legislature divided the state into five judicial circuits, electing one circuit judge for each. Court was held in every county twice a year, and the judges were constantly moving around from county seat to county seat. Lawyers followed them around the circuits.



JUDGE REUBEN SAFFOLD.



JUDGE A. S. LIPSCOMB.

The Supreme Court was at first made up of the circuit judges sitting together. The judges first chosen were Clement C. Clay, Richard Ellis, Reuben Saffold, Henry Y. Webb, and A. S. Lipscomb. At the first session of the court, held at Cahaba in 1820, Judge Clay was chosen Chief Justice. The next year a sixth circuit was added, and in 1828 a seventh.

When the Assembly had chosen an attorney-general for the State and solicitors for

the circuits, the judiciary department was ready for business, and the Assembly was left to the work of making ordinary laws.

It found awaiting it many questions, such as always arise in new States. At its first session the counties of Greene, Jefferson, Perry, Henry, Wilcox, and Butler were established; and at the second session, in 1820, Pickens County

was carved out of Tuscaloosa. Commissioners were empowered to lease the lands given by Congress for the support of schools and for a college. The University of Alabama was chartered, but it was some years before it began its work. A system of patrols to prevent the escape of slaves was established, and provision was made for organizing the militia.



GOVERNOR THOMAS BIBB.

It was also the duty of the Assembly to choose two United States Senators. William R. King, of Dallas, and John W. Walker, of Madison, were elected. They were required to draw lots for their terms of service, and Senator Walker drew the long term of six years and Senator King the short one of four years. At the same session the Assembly chose three electors to cast the vote of the State in the presidential election of 1820, and the electors chosen all voted for James Monroe, of Virginia, for President. The great majority of the people of Alabama were from the first in sympathy with the party to which Monroe belonged, and which was at first called Republican, but later Democratic. It was, under all its names, the party that stood for State rights and against any increase in the powers of the Federal government.

But the most notable legislation of the first General



Assembly was on the subject of banking. The Constitution authorized the establishment of a State bank on condition that at least two-fifths of the capital stock should be held by the State, with a proportional power in the direction of the bank's affairs. At the session of 1820-21 an act was passed establishing a bank at Cahaba and fixing the capital stock at two million dollars, half of which was reserved for the State. This first attempt to establish a State bank ended, however, in failure, for the capital was never subscribed.

In July, 1820, Governor Bibb died at his home in Autauga County. His brother, Thomas Bibb, was then president of the Senate; in accordance with the Constitution he became governor, and held the office until a successor was elected and inaugurated in 1821. Bibb County was named in honor of the first Governor Bibb.

John W. Walker was by birth a Virginian. He graduated with distinction at Princeton College. He was among the first settlers in Madison, and represented the county in the Constitutional Convention. He practised law at Huntsville until he was chosen to the United States Senate. In the Senate he got a law passed for the relief of purchasers of public lands, a measure which is declared to have saved Alabama from bankruptcy. His abilities promised for him a career of great usefulness, but ill health compelled him to retire after little more than two years of service. He died in April, 1823. His family has been much distinguished in Alabama.

QUESTIONS.

What offices were to be filled at the elections in 1819? What was the result of the elections? Tell, under the following headings, what you know about the condition of Alabama when it became a State: population, industries, land values, transportation, towns, schools, churches. Tell what was done about the judiciary department, noticing (1) the justices of the peace, (2) the county courts, (3) the circuit courts, and (4) the Supreme Court. Give the names of the first Supreme Court justices. Tell what you know of the first Assembly's work under these heads: *new counties, school lands, patrols and militia, election of senators and electors, banking.* Who succeeded Governor Wm. W. Bibb? Why?

CHAPTER XVII.

ADMINISTRATION OF GOVERNOR PICKENS.

AT the regular election in 1821 Israel Pickens was elected governor over Henry Chambers, of Madison, and in 1823 he was again successful against the same opponent. Governor Pickens was born in North Carolina in 1780. He represented a North Carolina district in Congress for some years, and in 1817 came to Alabama as register of the land office at St. Stephens. He represented Washington County in the Constitutional Convention, but he was living in Greene County when he was elected governor.

During the four years he held the office his course was satisfactory to the people. He devoted himself zealously to their interests, and his correspondence and state papers give evidence of his ability. In 1824 it was his privilege to extend the hospitality of Alabama to General La Fayette, who was at that time travelling through the United States.

These years were not marked by exciting events in Alabama; but they were important years in the growth of the State. From time to time the larger counties, becoming more populous, were divided. In 1821 Covington was carved out of Henry, and Pike out of Conecuh; and in 1824 Dale was formed out of parts of Covington and Henry, Fayette out of parts of Marion, Pickens, and Tuscaloosa, and Walker out of parts of Tuscaloosa and Blount. Covington was named in honor of General Leonard W. Covington, of Maryland. Dale took its name from the hero of the famous canoe fight already described; Fayette from the noble Frenchman who about this time was the guest of the State;

and Walker from the distinguished Alabamian who presided over the Constitutional Convention at Huntsville and afterwards represented the State in the Senate at Washington. The country was now taking on a look of activity and life. Mobile, Montgomery, Tuscaloosa, Huntsville, Cahaba, and other towns were growing into importance.

But transportation and travel were still slow and burdensome. The counties, however, were building roads, and the legislature was planning a number of highways. One of these was to run from Cahaba to the Tennessee, forming part of a route from the Florida line to the northern boundary. This and other plans for connecting the Tennessee Valley with the Gulf coast were favored by many, because it was feared that the valley might not have enough interests in common with the lower half of the State.

Travel by water was much improved in 1821, when the first steamboat passed up the Mobile and Alabama rivers to Cahaba and Montgomery, making in four or five days a trip which the old-fashioned barges took twenty or thirty days to make. The same year there was a great freshet on the Alabama, and Cahaba suffered so severely that the idea of changing the seat of government was suggested.

About this time the Indians were again a source of discontent. In 1823 a memorial from the legislature to Congress recommended the purchase of more land from the Cherokees. But the Indians were unwilling to sell more of their lands. The Creeks were still complaining about the treaty of Fort Jackson. Some of them said that the few chiefs who signed it had no authority to represent the whole "nation." At a council at Tukabatchi they announced that it was displeasing to them when the whites asked them for more land.

All this time the boundary between Georgia and Alabama was unmarked. Georgia was pressing the United States to *have it marked*, and in 1823 the Alabama legislature passed

a resolution urging that it should be done. The United States Government, however, decided that it was a matter for the two States to arrange for themselves. So a correspondence was begun between them with the object of forming a joint commission to do the work.

A still more troublesome question during this period was the money question. The population of Alabama had increased very rapidly, but the amount of money in circulation in the State had increased very little, if at all. This was attributed partly to the fact that so many people had bought government lands on credit at high prices, and that every year money was drained out of the State to make payments to the United States on these lands. Moreover, in a new country there are always many people anxious to borrow money.

The legislature of 1823 agreed upon a plan which it was thought would give permanent relief. This plan was to establish a State bank with a capital large enough to win the confidence of the people, and give it power to issue bank notes—or bank bills, as they were usually called. A bank note is simply the promise of a bank to pay gold or silver to the holder of the note whenever he demands it. The legislature could not compel the people to accept these bank notes as money, because the Constitution of the United States declares that no State can make a man take anything but gold or silver coin in payment of a debt. But the legislature knew that if the people believed that the bank was able to pay its notes they would be willing to accept those notes in payment of debts, even though they were not compelled by law to do so. The plan, therefore, was for the bank to issue notes and lend them, at a good rate of interest, to men who wanted to borrow and could give good security. The bank notes borrowed would pass from man to man, and thus satisfy the pressing need for money. If borrowers paid their debts to the bank promptly, it would have money to pay its notes *without using up its capital*. The interest which it earned

on the loans would give a good profit. Other States were trying the same plan about the same time. It is important for us to see how it worked in Alabama.

The act of 1823 gave to the "Bank of the State of Alabama" a charter which was to hold good until 1845. Some moneys arising from the sale of the land given by Congress for a seminary of learning went into the capital stock, but it was provided that the amount from this source should not exceed one hundred thousand dollars. Moneys arising from the lands given for a seat of government, from the three per cent. granted by Congress on the sale of public lands, from escheats, and from the lease of salt springs, were also to go into the capital stock. In addition, the governor and five commissioners were authorized to issue State bonds, bearing interest at six per cent.; and it was declared that the legislature might from time to time put into the bank's capital stock any other funds in the treasury. It was provided that the bank should be governed by a president and twelve directors, all to be elected annually by the General Assembly. The bank had authority to issue notes of denominations not less than one dollar.

Alabama was thus embarked in the business of banking. The officers of the bank were really State officers, and all their accounts were subject to the inspection of the State comptroller. By June, 1824, \$100,000 was secured as capital stock, and accordingly the bank was set up at Cahaba.

During the early years of Alabama's history as a State the people did not greatly concern themselves about national politics. The Democratic party was without a rival at that time, and all the public officers elected in Alabama were members of it.

Senator King was reelected in 1823, and he was reelected several times afterwards, so that he held the office for many years. In 1822 Senator Walker was obliged by ill health to resign, and William Kelly, of Madison, succeeded him. For

the term beginning in 1825 Henry Chambers, of Madison, was elected, but he died the next year while on his way to Washington. Former Governor Pickens was appointed to succeed him, and held the place until a senator could be elected, and when the legislature met in November John McKinley, of Lauderdale, was chosen for the remainder of the term.



SENATOR JOHN MCKINLEY.

In the lower house of Congress John Kelly succeeded John Crowell in 1821. Two years later, under a new apportionment, the State became entitled to three representatives. John McKee, Gabriel Moore, and George W. Owen were chosen; being twice reelected, they held office six years.

In the Presidential contest of 1824 Alabama warmly supported Andrew Jackson. The legislature provided that the five Presidential electors should be chosen by popular vote, and this has remained the method of choice ever since.

At the State election in 1825 John Murphy, of Monroe, was elected governor without opposition.

QUESTIONS.

Tell what you know of Governor Pickens. What is said of the growth of the State during his administration? What new counties were formed? What is said of transportation and travel by land? By water? What was the attitude of the Creeks at this time? Mention some of the reasons that caused the legislature to charter a bank. Where was the bank set up? What is said of politics in this period? What changes occurred in Alabama's representation in the Senate? In the House of Representatives? Who succeeded Governor Pickens?

CHAPTER XVIII.

THE ADMINISTRATION OF GOVERNOR MURPHY.



GOVERNOR JOHN MURPHY.

JOHN MURPHY, the fourth governor of Alabama, was a man of solid parts, trusted and respected for his integrity. By birth a North Carolinian, he passed his youth in great poverty, from which he gradually rose by sheer industry, chiefly in the practice of the law. Coming to Alabama in 1819, he represented the new county of Monroe in the Constitutional Con-

vention. Keeping always a plain and unpretentious manner, he commended himself to the people by his modesty as well as his worth. In 1827 they endorsed his administration by reëlecting him governor. Thus he held the office four years.

His first term was distinguished by a change in the seat of government. The Constitution provided that the legislature chosen in 1825 should name the permanent capital, and at the first session after Governor Murphy's inauguration the subject was taken up.

The freshets at Cahaba and the sickness there had satisfied the people that a change was necessary. The town had begun bravely, but its population was already falling off. Montgomery, Tuscaloosa, Selma, Greensboro, Montevallo, and Wilson's Hill were all mentioned in the discussion, but in

the end the fight was between the two first named. Andrew Dexter, who is regarded as the founder of Montgomery, had always hoped that the town would in time be the capital of the State. One of its claims lay in the fact that it was on the principal stage route from New Orleans to the east. But Tuscaloosa, a promising town which had grown up on the site of a Creek trading station which was destroyed by General Coffee in the war against the Red Sticks, won the prize. The legislature voted in its favor in January, 1826, and the removal was made in the same year. The bank was also moved to the new capital. Cahaba never regained its early importance. Gradually the town of Selma absorbed the greater part of its trade and population.

At this period there were really no cities in Alabama. The general prevalence of agriculture was not conducive to the growth of cities, which usually spring up as centres of trade and manufacturing. But migration to the young commonwealth was very rapid, and there was an air of growth and prosperity about it which excited comment in the newspapers of the day. Roads and other internal improvements were progressing. Domestic manufactures were encouraged. Members of the legislature, and the governor himself, wore home-made clothing. Nevertheless, the natural resources of the State were as yet hardly touched. There were miles and miles of land unmarked by the axe or plow. When the legislature offered a reward for wolf scalps and panther hides, so many scalps and hides were brought in that the law had to be repealed in short order.

When the bank was moved to Tuscaloosa it was apparently flourishing. Its notes were circulating to the extent of nearly three hundred thousand dollars. In 1828 its capital stock was increased by another loan of a hundred thousand dollars, and another trust fund—the money arising from the sale of school lands—was committed to its keeping. The *only dissatisfaction, as yet*, arose from the desire of other towns

to have branch banks of their own. Perhaps a few thoughtful men saw already the danger of mixing business with politics, and that the bank was issuing too many notes, but the notes answered the demand for money, and the busy, hopeful people were in no mood to stop and study out the troublesome questions of public finance.

Besides the bank, there were other things to keep the legislature busy. Many of its measures were aimed at the disorders inevitable in a new country, but by no means more prevalent in Alabama than in other young States. A number of acts were passed to regulate and perfect the militia system. Duelling was frowned upon ; the law on that subject defined the killing of an adversary in a duel as murder, and declared that no man who fought a duel should ever hold public office. On the subject of slaves and the slave trade a large body of laws was soon in existence, which became known as the slave code. Slaves were forbidden to go from home without passes, or to carry weapons ; and persons aiding in the escape of slaves were liable to severe punishments. An act was passed to enforce the act of Congress forbidding the foreign slave trade, and in 1827 it was also unlawful for any one to bring slaves into the State for purposes of barter or hire ; but immigrants were always permitted to bring their slaves with them. Free negroes were not allowed to vote, and were deprived of many other privileges enjoyed by the whites.

The work of the legislature was from the first ably seconded by the courts. The first Alabama judges did not have the comfortable court-houses and other conveniences and dignified surroundings that their successors have to-day ; we read in fact of sessions held in churches, in blacksmith shops, and even in the open air. But the appointments to the bench were in the main fortunate. The Supreme Court was making rapid strides towards the eminence that it has *won in later times*. On the retirement of Chief Justice

Clay, in 1823, Abner S. Lipscomb succeeded him in the office. He held it eleven years, and has left the stamp of his intellect on the judicial history of the State. His place is among the very ablest judges Alabama has ever had. The publication in 1823 of a code of the laws then in force, prepared by Judge Harry Toulmin in obedience to a vote of the legislature, simplified the work of the courts.

The chief troubles of Governor Murphy's administration came from the eastward—from the Georgians and Creeks. The Georgians were discontented because the Creeks were not moved, and they were also anxious to have the boundary line between Georgia and Alabama finally marked.

In both of these questions Alabama was interested. "The early removal of the Indians" was a favorite toast at public dinners. The governor and the legislature both took occasion to express the popular feeling on the subject; but in a calm and wise message Governor Murphy insisted that the red men should be treated with justice and humanity. In January, 1826, a treaty was made by which the Georgians practically secured the whole of their contention in regard to the Creeks; but there was no provision for the removal of the Creeks who lived in Alabama.

The same year the legislature authorized Governor Murphy to name commissioners who should coöperate with the commissioners of Georgia in determining the true boundary between the two States. But a difficulty now arose over the location of the "Great Bend" in the Chattahoochee River, which was referred to in the articles of cession of 1802. On this point the commissioners could not agree, and the Alabama commissioners retired. The Georgian commissioners, therefore, completed the work alone, but Alabama declined to accept the result of their labors. In the correspondence that ensued Governor Murphy sustained Alabama's position with dignity and force.

Towards the close of the twenties the people of Alabama

began to show a livelier interest in national politics, strongly opposing the system of protective tariffs, which they considered hurtful to the agricultural States, and particularly to the slave-holding States. The Alabama senators and members of Congress voted against the tariff law of 1828. In that year Alabama's votes were again cast for Andrew Jackson for President. But these national questions did not as yet have much effect in dividing the people on political lines. In 1829, when the time came to elect another governor, there was still no opposition to the Democratic party. Gabriel Moore, of Madison, the Democratic candidate, was elected.

Garrett, in his "Reminiscences of Public Men and Events," tells this story to illustrate the respect in which Judge Lipscomb's legal ability was held: In 1838, after his retirement from the bench, the judge accepted an election to the legislature. The incident occurred during his term of service. "A bill was on its passage to authorize the sale of lands of an estate, and was about to go through without an objection, when he arose and requested that the yeas and nays might be taken, that he might record his vote against it, believing that it was unconstitutional. He said but little, and that in a quiet way. The vote was taken, and every member voted against the bill, a unanimity and force of compliment never before paid any public man."

QUESTIONS.

Tell what you know of Governor Murphy. When, why, and whither was the seat of government moved? What is said of the Alabama towns at this time? Of immigration? Of the general condition of the State? How was the bank getting on? What laws were passed about duelling? About slaves and the slave-trade? What is said of the courts? Of Judge Lipscomb? When and by whom was the first code made? What was done about the boundary line? What is said of national politics? Who was chosen to succeed Governor Murphy?

CHAPTER XIX.

ADMINISTRATIONS OF GOVERNOR GABRIEL MOORE AND GOVERNOR SAMUEL B. MOORE.



GOVERNOR GABRIEL MOORE.

GABRIEL MOORE, of Madison, fifth governor of Alabama, like his two predecessors, was a native of North Carolina. He settled at Huntsville in 1810, and was soon sent to the Mississippi Territorial legislature. As we have seen, he was speaker of the Territorial legislature of Alabama. He was also a member of the Constitutional Convention and afterwards president of the State Senate. For six years before he was elected

governor he sat in Congress.

The census taken in 1830 showed a population of 309,527—more than double that of 1820. The character and distribution of this rapidly increasing population are very interesting. The Tennessee Valley and the so-called “black belt” were most attractive to the immigrants, while the mineral region was comparatively neglected. Madison was still foremost of the counties, having nearly twice as many inhabitants as any other. Limestone and Lawrence were next. Greene and Dallas led the counties of the central region, with Tuscaloosa and Montgomery close behind. The old county of Washington had fallen away into the rear, and the old capital, *St. Stephens*, was quite out of the race with the



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younger towns. The town of Mobile had little over three thousand inhabitants, but the coming of the steamboats was already quickening it into a new life.

The proportion of whites and blacks had altered considerably, the blacks gaining. The total of slaves was now 117,549. This was an increase of 147 per cent. in ten years. The increase of whites was but 97 per cent. The opening up of fresh cotton lands was clearly the cause of



SPRING HILL COLLEGE.
(From photograph, 1898.)

this, for the increase of slaves was greatest in the "black" counties.

But the progress of a State cannot be judged by population alone. In 1830 two institutions were founded that showed progress of a different sort. These were the two first colleges established in Alabama—St. Joseph's College, at Spring Hill, and a Methodist Episcopal College, at LaGrange, in Northern Alabama. St. Joseph's College was founded by the Jesuit fathers. Six years later it was chartered by the *legislature* and endowed with all the rights and privileges of

a university. Its career has been honorable and useful, and some of its graduates have gained high distinction in the Church and in the learned professions. LaGrange College grew rapidly under its first president, Robert Paine. We shall have occasion to note its prosperity at a later period.

Meantime the legislature had not been unmindful of the generous gift of Congress to establish a "seminary of learning." The lands had been wisely selected, and a considerable sum had been realized from sales and rents. In 1821 an act was passed which provided that the "seminary" should be managed by thirteen trustees—the governor to be one, and two to be chosen from each judicial district by the legislature. This was the beginning of the University of Alabama. As we have seen, the funds were now partly invested in the stock of the bank. In 1827 it was voted that the site should be at Tuscaloosa, and the next year the trustees selected a level plateau a little more than one mile from the centre of the town. Here was built a rotunda, with Jefferson College on the east, Washington College on the west, a lyceum and students' hall, and residences for professors. The buildings were ready for use early in 1831, and in April of that year Dr. Alva Woods, a New England scholar and a graduate of Harvard, was inaugurated president. Three professors and one tutor were also appointed. Fifty-two students entered the first day, and the number rose to nearly a hundred during the term. The university began with good prospect of a useful career. No one saw the danger that threatened it from its connection with the affairs of the bank. The first trouble it encountered was disorderly behavior among the students—due, no doubt, to the somewhat unsettled conditions prevailing in a new country, and not to any weakness in the officers.

As yet there was no system of common schools. In Alabama, as was generally the case at that period throughout the *younger States*, and even in many of the older, the duty of



the government to prepare the young for citizenship was not clearly recognized. Here and there pay schools of good character were set up. But many of the schools of those times were of a sort which the more fortunate school children of to-day should be glad to have escaped. The methods of teaching were as barbarous as the punishments. In a school at Marion, now an educational centre, spelling was the principal study, and the pupils were required not merely to spell the lists of words but to commit them to memory. In teaching geography the master formed the children in line and marched around, beating the earth with a switch, and singing the names of States, capitals, and rivers to some tune made up for the occasion. Such teachers naturally failed to inspire respect in the pupils or in the citizens, and were often treated roughly by both.

In line with the establishment of colleges was the movement which began in Governor Gabriel Moore's time to devise a better plan of dealing with convicted criminals. In a letter to the governors of other States the governor of Alabama made a number of inquiries about the penitentiary system : but nothing practical was accomplished for some years.

The administration was chiefly marked by a change in the judiciary, which was accomplished by means of an amendment to the Constitution. In the Constitution itself provision was made for changes. The General Assembly, by a two-thirds vote of each house, could propose an amendment to be voted on by the people at the next general election. If a majority of all the votes cast were in favor of the amendment it came before the Assembly chosen at the same election, and if it was then favored by two-thirds of each house it became part of the Constitution.

In 1830 there was much feeling against the Supreme Court because it had enforced contracts for the payment of heavy *interest on money loans*. The legislature accordingly sub-



mitted to the people, and the people approved, an amendment limiting the term of office of the judges to six years. But it was provided that the judges then on the bench, who had been chosen for unlimited terms, might remain in office until 1833.

The year 1830 brought also the beginning of the end of the Indian question. By the treaty of Dancing Rabbit Creek, concluded in September, 1830, the Choctaws gave up all their lands east of the Mississippi, and a new home in the west was given to them, to which, after a few years, most of them went in peace. The lands in Alabama thus opened to white men are embraced in the present counties of Sumter, Choctaw, and Pickens.

National questions were now beginning to take strong hold on the minds of the people of Alabama—particularly the question of protective tariffs. Alabama's representatives in the lower house of Con-



SENATOR WILLIAM E. KING.

gress steadily opposed the protective policy, and so did Senators King and McKinley. Two of the three representatives who had been chosen in 1829—Clement C. Clay and Dixon H. Lewis—were highly distinguished in later years. Lewis was remarkable not only for his ability but for great size of body; he was the largest man who ever sat in either house of Congress, and a chair had to be made specially for him. Senator King was winning a national reputation as a conscientious and accomplished statesman. He was a strong supporter of *President Jackson*.

When Senator McKinley's term expired in 1831, the legislature chose Governor Moore to succeed him ; and the governor at once resigned to take the office. Samuel B. Moore, of Jackson, the President of the Senate, then became governor. He served from February to November, 1831. He was a Tennessean by birth, and had represented Jackson County in both houses of the legislature.

The year 1831 is notable as the year in which the first Alabama railroad was begun. This was the road from Tusculumbia to Decatur. It was meant to overcome the obstacle to the navigation of the Tennessee presented by the Muscle Shoals, and the forty-four miles were finished in 1833—a very early date in the history of railroads. It was not much like



EARLY AMERICAN RAILROAD TRAIN.

the railroads of our times, for the cars were frequently drawn by horses, and ten miles an hour was considered fast time. Nevertheless, the running of the first train attracted great crowds, who cheered with enthusiasm ; and of course we can see now that it was really a very important event. It was the beginning of a change in methods of travel and transportation that has made Alabama and the whole country very different from what they would be if the locomotive had never been invented.

At the regular State election in 1831 there was a contest, for the first time in a number of years. The candidates for governor were Samuel B. Moore, Nicholas Davis, of Limestone, and John Gayle, of Greene. One of the subjects discussed before the people was the question what the States that were opposed to protective tariffs should do if Congress held to



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that policy. In South Carolina there was a strong party which believed that since the United States Constitution gave Congress no power to tax citizens in order to protect certain industries, therefore any State had a right to declare such laws null and void, and to release its people from the duty of obeying them. This was called the doctrine of nullification.

Mr. Gayle was particularly outspoken in his opposition to this view of the matter ; and the people of Alabama also opposed it. They elected him over his two competitors. At the election for representatives in Congress held earlier in the year Mr. Clay and Mr. Lewis were both successful; and Samuel W. Mardis was chosen to be the third representative.

Only one new county was created in this period. By act of January 20, 1830, the county of Lowndes was formed out of parts of Dallas, Montgomery, and Butler. It was named for William Lowndes, a South Carolina statesman of great promise, who had died some years before.

QUESTIONS.

What is said of Governor Gabriel Moore ? What was Alabama's population in 1830, and what is said of its distribution ? Of the proportion of whites to blacks ? Mention the leading counties. What two colleges were founded in 1830, and where ? Trace the history of the university up to the time of its opening. What is said of education in this period ? What was the first amendment to the Constitution, and why made ? How ? What national question was interesting the people ? What is said of the Alabama senators and representatives in Congress ? Who succeeded Governor Gabriel Moore ? What is said of the first railroad ? What was the result of the elections in 1831 ? What county was created in this period, and for whom named ?

CHAPTER XX.

ADMINISTRATION OF GOVERNOR GAYLE.



GOVERNOR JOHN GAYLE.

GOVERNOR GAYLE was re-elected without opposition in 1833, and thus was in office four years. His administration was an important one, as it covered the period of the first trouble between the State and the Federal government. He was born in South Carolina in 1792, and was graduated at South Carolina College in 1813. Shortly afterwards he came to Mississippi Territory and settled at Claiborne, in Mon-

roe County, where he practised law. He sat in the Legislative Council of Alabama Territory and served as solicitor in his district. While a representative in the legislature of 1822-23 he was chosen by the Assembly to be a justice of the Supreme Court. In 1828 he resigned from the bench. He then moved to Greene County, and was again sent to the legislature. He was chosen speaker of the house in 1829. He was a man of tall and graceful person, of abilities quite above the average, and of a nature so sympathetic that his administration was specially marked by a free use of the pardoning power.

In his inaugural address the new governor condemned the South Carolina doctrine of nullification. Alabama, as well as South Carolina, was opposed to the tariff, and the feeling



of the people against it was frequently expressed at public meetings; but as to nullification the legislature agreed with the governor. By a vote of forty-six to sixteen it declared that nullification was dangerous in practice, and that it tended to anarchy, civil discord, and finally to the breaking up of the Union. In one of his messages the governor urged the people to plant themselves on this glorious Union, for on its preservation depended their liberties. It is all the more notable, therefore, that the governor and the legislature were soon in an attitude of antagonism to the authorities at Washington.

In one sense the Creeks were the cause of the trouble, as they had been the cause of other troubles. But the greediness of land-grabbers, eager to seize the lands still occupied by the red men, was denounced by no one more severely than by Governor Gayle. Perhaps the least creditable chapter in the history of the whole country is the record of the white man's overreaching treatment of his red brother. What happened in Alabama was no worse than what happened elsewhere; indeed, the moderation of the State government and of leading men had been unusual. But Governor Gayle wrote to the chiefs and head men of the Creeks that the State could not guard them against the tricks of dishonest men to obtain their lands. There were many whites in the Indian country before the final treaty was made; and after that they poured in by thousands.

The final treaty with the Creeks was arranged at Cusseta, but was signed at Washington, March 24, 1832, by Lewis Cass, secretary of war, for the United States, and by Opothleyoholo and six other chiefs for the Creeks.

By this treaty the Creeks gave up all their lands east of the Mississippi in return for new lands in the west and a considerable sum of money. It was agreed, however, that any of the Indians who chose might remain as citizens, that *the whites* should be kept out of the ceded lands until a

survey was made, and that even those whites already in the Indian country should be removed as soon as their crops were gathered. It was the attempt of the President of the United States to enforce these provisions that led to trouble with the State government.

The rush of whites into the ceded land began immediately, and on December 18, 1832, the legislature divided it out into the counties of Coosa, Benton (now Calhoun), Talladega, Tallapoosa, Russell, Randolph, Chambers, Macon, and Barbour, extending over them the laws of the State. United States troops were placed under the orders of the deputy marshal for southern Alabama, and in August, 1833, while the soldiers were trying to carry out the terms of the treaty, a white settler named Hardeman Owens was killed. Excitement spread through the new counties, and in some degree throughout the State; and Governor Gayle had a heated correspondence with Lewis Cass, the secretary of war. He also issued a quieting proclamation to the people of the new counties.

In his letters to the secretary of war the governor contended that, as there was no longer an Indian claim to the lands, they were now part of Alabama and subject to its laws. He also said that the movement of the troops to expel the settlers would destroy the new counties, break up the courts, and make it impossible to enforce the laws. The grand jury indicted for murder the soldiers concerned in the killing of Owens, and a warrant was issued for their arrest, but the United States officer at Fort Mitchell, where the soldiers were stationed, would not give them up. The whole affair was reported by the governor to the legislature in November, and the legislature approved his course. The attention of the country was drawn to the controversy, and the situation was quite serious.

The Alabama senators and representatives in Congress set to work to bring about a compromise. They told President Jackson that great distress would follow any attempt of

the soldiers to drive out the settlers, and assured him that Governor Gayle had no desire to follow in the footsteps of the South Carolinians. A written address was also presented to the secretary of war, and at last the President sent Francis Scott Key (the author of "The Star-spangled Banner") to see Governor Gayle and come to an agreement with him.

Secretary Cass admitted the right of the civil authorities to investigate the killing of Owens. Mr. Key informed the governor that the reservations allotted to the Indians would be laid off very shortly and that settlers who did not disturb these would be left alone. Governor Gayle accepted this arrangement, and sent a message to the legislature announcing that "the supremacy of the civil over the military authorities" had been maintained.

Thus the affair ended in a compromise ; but a serious mischief had been done. Up to this time the people of Alabama, although discontent about the tariff, had been for the most part earnest in their loyalty to the Union, and their respect for the government at Washington had been profound. But now they began to feel that they might have interests opposed to the powers as well as the policies of the Federal government. Nevertheless, they were still loyal to President Jackson. While the dispute about the Indian lands was going on, Senator Gabriel Moore, who was not a Jackson man, voted in the Senate against the confirmation of one of the President's appointments. For this the legislature of Alabama demanded his resignation, thus proving their good feeling towards the President. Senator Moore, however, would not resign, and he had some supporters in the State.

The new counties attracted immigration, and some of them soon took rank with the older counties in population. Coosa, Talladega, and Tallapoosa took their names from Indian sources. Benton was named for Senator Thomas H. Benton, of Missouri, who had served in the War of 1812-14 on *Alabama soil*. Russell was named for Colonel Gilbert C. Russell,

a citizen of Mobile. Randolph was named in honor of the Virginian statesman, John Randolph, of Roanoke. Chambers was named for Henry Chambers, who died on his way to take his seat in the Senate at Washington. Macon and Barbour commemorated in their names two distinguished public men—Nathaniel Macon, of North Carolina, and James Barbour, of Virginia. Another new county formed out of territory ceded by the Choctaws was named for Colonel Thomas Sumter, the famous South Carolina soldier.

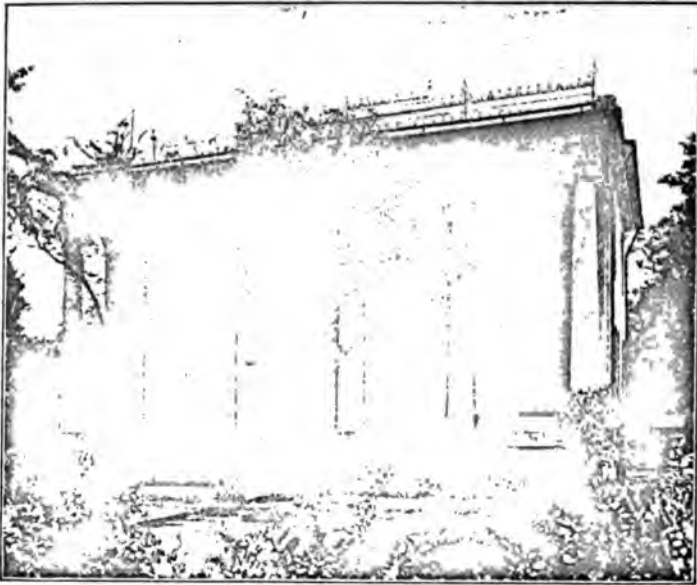
But though the lands of the Creeks were all organized into counties, and though the white population far outnumbered the red, the Creeks were not yet gone; and before the end of Governor Gayle's administration they gave abundant signs that the old fighting spirit was not yet dead among them.

Turning now to the older counties, we find that there were other important developments in this period. The bank was claiming a very large share of the people's attention. By the year 1832 the demand for branch banks had grown so strong that the legislature yielded to it, and bonds were issued to establish branches at Montgomery, Decatur, and Mobile. Next year the capital of the Montgomery branch was greatly increased, and in 1835 another branch was set up at Huntsville. These extensions of the system caused an increase of nearly five millions in the bonded debt of the State. They added greatly to the power of the bank for good or evil; and it was not long before the people began to fear the bank might some day fail to redeem its notes, which circulated as money. But the general feeling was a feverish desire for more and more money, no matter what sort of money it was.

It was about this time, however, that the worst fault of the whole system began to appear plainly. The directors of the main bank and of the branches were all chosen by the legislature. They had control over the money of the bank, and could decide who should be allowed to borrow it. Therefore many people were eager to be elected directors, and members

of the legislature were much sought after by candidates. Then members of the legislature began to demand favors of the directors for whom they voted.

So it came about that the connection between the bank and the legislature brought scandal to both. In its early years the bank had been wisely and carefully managed; but



OLD EXECUTIVE MANSION.

Home of the Governors while Tuscaloosa was the Capital.

now many of its loans were made unwisely—in some cases recklessly. Of course, if the bank failed to collect its loans it would finally be unable to redeem its notes.

Nevertheless, it was a time of such hopefulness and careless speculation that only a few men suspected what was coming. Some of the towns were growing rapidly. Mobile was getting the benefit of the steamboat trade, and bade fair to

become an important port. Wetumpka within two years from its founding had a population of 1,200. New fields were constantly added to the cotton-growing area, and the planters were investing their profits in land and slaves. The rude log cabin of the immigrant was giving place to the frame house of the small farmer or the mansion of the great planter. In 1834 the Montgomery Railroad Company, afterwards known as the Western Railway of Alabama, was incorporated. A little later an engineer was appointed to survey the route of a railway from the mouth of Beaver Creek, on the Coosa, to the Wetumpka Falls. But about this time plank roads became the fashion, and for some years little progress was made in building railroads. It was about this time also that Daniel Pratt came from Georgia and set up a gin factory in Autauga County. This was the first important factory in the State, and it was the beginning of Prattville.

In the institutions of the State the most important change of Governor Gayle's administration was in the constitution of the Supreme Court. Until 1832 the court was made up of all the circuit judges sitting together; but in that year the legislature made it a separate body, composed of three justices chosen by the General Assembly. Thus the circuit judges were no longer judges of the Supreme Court, and so were left to discharge their own proper duties. At the election which followed Abner S. Lipscomb, John M. Taylor, and Reuben Saffold were chosen to the three seats, and Judge Lipscomb remained chief justice. But two years later he and Judge Taylor resigned, and Judge Saffold became chief justice.

The increase of population had now entitled Alabama to a larger representation in Congress, and so in 1833 five members were chosen instead of three. One of the new members was Reuben Chapman, of Madison, who thus commenced a long and useful public career. All five were Democrats, and all were firm supporters of President Jackson, who the year before had again received the electoral vote of the State.

Senator Gabriel Moore was thus quite alone in the Alabama delegation at Washington in his opposition to the President.

At the election in 1835 five Jackson Democrats were chosen. Among them were Joshua L. Martin and Francis S. Lyon, of whom we shall hear again. At the same election the candidates for governor were Enoch Parsons, of Monroe, and Judge Clement C. Clay, of Madison. Judge Clay was elected by a large majority.

But before we leave Governor Gayle's administration one more of its incidents must be mentioned. It was an incident of no great importance in itself, but very important indeed as a sign of the times. In September, 1835, the grand jury of Tuscaloosa County indicted Robert G. Williams, of New York, for sending into the county printed matter of a nature to incite slaves to insurrection. Governor Gayle wrote to Governor Marcy, of New York, demanding that Williams be sent to Tuscaloosa for trial; but Governor Marcy, taking the ground that Williams was not in Alabama when the offence was committed, and so could not be said to have fled from justice, refused to give him up.

This was the first word Alabama spoke in a long and momentous controversy, in which, as we shall see, she took a leading part in later years.

QUESTIONS.

Tell what you know about Governor Gayle. What was the position of the governor and the legislature on the question of nullification? What is said of the land-grabbers? Give the provisions of the final treaty with the Creeks. What was done with the territory thus acquired? Point out the new counties on the map, and tell how each got its name. What happened when the President tried to enforce the treaty? How was the matter finally arranged? What bad effect did the incident have? What events in connection with the bank occurred in this period? What fault in the system began to appear? What is said of the general condition of the State? Describe the changes in the Supreme Court in this administration. What was the result of the State election in 1835? Relate the incident about Robert G. Williams.

CHAPTER XXI.

ADMINISTRATIONS OF GOVERNORS CLAY AND McVAY.



GOVERNOR CLEMENT C. CLAY.

GOVERNOR CLAY was born in Virginia, but he was educated in Tennessee and practised law at Knoxville until he moved to Huntsville in 1817. Before he became a judge he represented Madison County in the Territorial legislature and in the Constitutional Convention. He resigned from the bench and was afterwards speaker of the House of Representatives, and from 1829 to 1832 he was in Congress. In his bearing and character he was a good example of the ruling class in the cotton States. For many years his home in northern Alabama represented what was most graceful and pleasing in southern life.

The chief interest of his administration pertains to the Indians and the bank.

A number of the Creeks had been all along bitterly opposed to the sale of their lands. They were hostile to the whites, and before their departure for the west their hostility broke into flame. Towards the end of Governor Gayle's administration several outrages had been committed by Indians on settlers, and in the following winter alarming rumors began to spread. There was no such horror as the massacre at Fort Mims, but here and there a single white man was murdered, or a settler's cabin was burned and his family



BATTLE OF PEA RIVER.

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cruelly slain. Small parties of Red Sticks were prowling in the woods, and travel was unsafe. Former Governor Gilmer, of Georgia, while returning from a visit to western Alabama, found every sign of terror among the people who had moved into the newly acquired lands. The terror became so great that settlers hastily left their lands and took refuge in Columbus, Georgia, and other towns.

The United States secretary of war called on Governor Clay for a force of militia, and the call was promptly obeyed. This was in March, 1836. The troops went to the appointed place in Autauga County and waited for arms and accoutrements, which had been promised by the United States authorities. But no arms came, and the men were allowed to disperse. Later on, however, a large force was collected at Tuskegee, where Major-General Jesup, of the United States army, was in command. The hostile Indians were attacked wherever found, and many were captured and sent in irons to the west; but no battle of importance took place on Alabama soil. Governor Clay himself went to Montgomery, where he had a talk with Opothleyoholo and other chiefs, who promised him their assistance. At the end of the summer General Jesup retired from the scene, declaring the danger at an end.

But the trouble was not really over. In the autumn, when the bulk of the Creeks had been removed, the flame broke out anew among the few who remained, and Governor Clay was once more compelled to collect a force of volunteers. The governor, however, fell ill, and General William Wellborn took the command and proceeded to make a vigorous campaign against the Indians. But it was difficult to find any large number of them together, and it was not until the spring of 1837 that a decisive battle was fought. It is known as the battle of Pea River, and was the last important fight between white men and Indians on the soil of Alabama. It occurred in the fork of Pea River and Pea Creek,

on the edge of Barbour County, near the Pike County line.

Here, with a force of two hundred and ten mounted men, General Wellborn met a party of Creeks numbering several hundreds. The Creeks fought with their old-time bravery, and seventy-three of their warriors were found dead on the field after the whites had won. The dead were left where they lay, so embittered were the conquerors by the cruelties of Indian warfare. Many of the Red Sticks were driven into Florida; others were captured and sent away to the west.

And now came the end of the Indian question in Alabama. All but a few of the Creeks departed for their new lands in the west. The stronger race had driven out the weaker; but none of us who now possess the ancient home of the Muscogees can fail to respect the courage with which they battled against their fate.

Only the Cherokees remained, and the final treaty for their removal was already concluded. It was dated December 29, 1835, and its provisions resembled those of the final treaty with the Creeks. New homes in the west and a large sum of money were given to the Cherokees, and in return they gave up all their lands east of the Mississippi. But among them also, as among the Creeks, there was a strong party that opposed the treaty, and threatened to make trouble. However, a large force of volunteers was assembled, including some fifteen hundred Alabamians, and the Cherokees were removed in 1838 without an outbreak. There were left in Alabama only a few scattered families of Indians, who for many years used to peddle bows and arrows and blow-guns to the children of their conquerors.

In 1836 the territory in Alabama which was secured through the final treaty with the Cherokees was organized into three counties, which were called DeKalb, Cherokee, and Marshall. Cherokee was named for the tribe, DeKalb



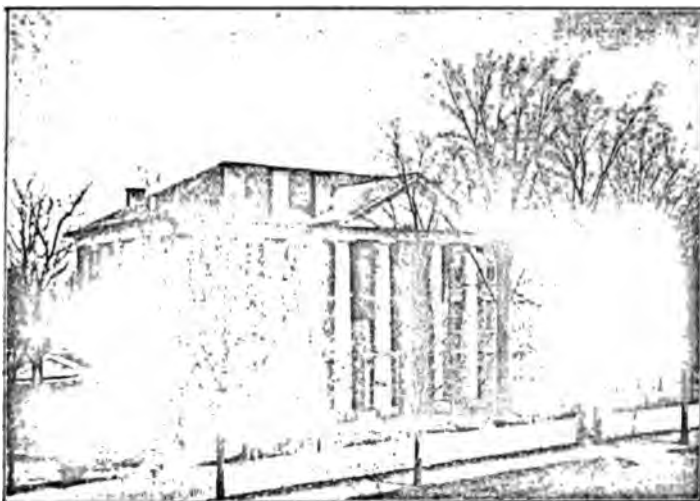
for the brave Baron DeKalb, who was killed at the battle of Camden in the Revolutionary War, and Marshall for the great chief justice of the United States, John Marshall. In forming Marshall portions were taken from the older counties of Jackson and Blount.

The trouble with the Creeks was not the only occasion for military activity among Alabamians during this administration. Several companies from Alabama volunteered to fight against the Seminoles in Florida; and others went to help the people of Texas, who were struggling to free themselves from the rule of Mexico. Of the latter, a number perished in the infamous massacre of Goliad.

But interesting as are the military events of Governor Clay's administration, the things that had most to do with the welfare of the people were of a different sort. The most important event of the period had to do with money and business, not with fighting; for in the years 1836 and 1837 there was a crisis in the affairs of the greatest institution in the State—the bank. The first of these years marked the height of what have been called the “flush times” of Alabama; and in the second came the end of “flush times” and the beginning of very hard times. The most notable law of 1836 was the act repealing all taxes in the State and committing the government to the bank for support. The very next year the State had to incur a huge debt to save the bank from ruin.

One cause of the trouble was that the management of the bank and its branches had been getting worse and worse as the power of the directors increased. By issuing bonds in 1836 to the extent of several millions the legislature again increased the capital of the branches at Huntsville, Montgomery, and Mobile. Speculation grew wilder and wilder, and the pressure for loans stronger. Scandals about the relations of the bank directors with members of the legislature *were in the air*. Thoughtful people came to distrust the whole

system and began to suspect that disaster was approaching. Then came the great general financial panic of 1837, following a period of prolonged speculation throughout the country. The Alabama bank quickly went to the wall, for many of its loans could not be collected. In June, 1837, the legislature came to its help with a bond issue of five millions ; in December a second issue of two and one-half millions was



MARION FEMALE SEMINARY.

found necessary. Distress was widespread, and all classes suffered ; but of course the poor suffered most. For years the bank had been making it too easy to borrow money ; now it was almost impossible to borrow, for those who had money were afraid to lend.

The panic and the distress of the bank had for a while a depressing influence on industry of all sorts ; but up to the time of the crisis the progress of the State had been rapid. There had been a continuous increase in the cultivated area,

and much road-building and town-building. Mobile, especially, had been very prosperous. In 1837 the value of real estate in that city was estimated at about twenty-seven million dollars; but it was many years before such a figure was reached again.

In other important interests there had also been progress. A very notable step had been taken in the direction of the higher education of women. As early as the year 1833 the Presbyterians set up in Tuscaloosa a boarding-school for girls; it was incorporated as "The Alabama Female Institute," and was authorized to carry on a lottery to obtain money. Public opinion had not yet condemned the lottery system. The Alabama Female Institute was a famous school in its day. It existed until 1870. In 1836 two other boarding-schools for girls were established—"The Alabama Athenæum," at Tuscaloosa, and "The Marion Female Seminary," at Marion. The Athenæum came to an end in 1845, but the Seminary still



JUDGE HENRY HITCHCOCK.

exists. It was founded by citizens of Marion of various religious creeds. It is remarkable that these institutions arose in Alabama at a time when little thought was given to the education of women even in the older Eastern States.

During this administration there were no less than three changes in the important office of chief justice of the Supreme Court. On the resignation of Judge Saffold, in 1836, Judge Henry Hitchcock became chief justice. The next year, however, he resigned, and his place was taken by Judge Arthur F. Hopkins. But Judge Hopkins's term of service was even shorter, for he retired in June of the same

year. His successor, Judge Henry W. Collier, held the office a dozen years with much credit to himself and to the court.

In State politics there were no striking events during Governor Clay's term of office, though there was much activity. The second administration of President Andrew



JUDGE ARTHUR F. HOPKINS.

Jackson came to a close in 1837, and by that time the men who opposed his policies were fully organized into a separate party, which was called the Whig party. The Whigs favored a strong government at Washington, a national bank, and protective tariffs. Their great leader was Henry Clay, and in 1836 their candidate for President was General William Henry Harrison. The Alabama legis-

lature nominated Hugh L. White, of Tennessee; but Vice-President Van Buren was nominated by a convention at Baltimore as the Democratic candidate, and he was elected. The electoral votes of Alabama were cast for Van Buren, but the Whigs had begun to have some strength in the State. About this time there were also in Alabama a number of able men who favored a stronger stand for the reserved rights of the States than the regular Democratic party was willing to take. These were called "States Rights men," and Dixon H. Lewis, who had now great influence in Congress, was regarded as their leader. At the Congressional election in 1837 the five representatives chosen were all Democrats. The only new name in the list was that of Joab Lawler, of the Tuscaloosa district. Chapman, Lewis, Martin, and Lyon were all reelected, and they were men of more than ordinary ability.

In June, 1837, the legislature chose Governor Clay to succeed Gabriel Moore in the United States Senate. Governor Clay accepted the office, and Hugh McVay, of Lauderdale, president of the State Senate, became governor of Alabama, and held the place until a new governor was elected. He was a South Carolinian by birth, but came to Madison County when it was part of Mississippi Territory. He served in the legislatures of Mississippi and Alabama Territories, as well as in the State legislature of Alabama, so that he had great experience. He was a plain man, much respected for his integrity and for his just views of public questions; but the shortness of his term as governor—only four months—gave him little opportunity to distinguish himself in that office.



GOVERNOR HUGH MCVAY.

At the regular State election in 1837 the candidates for governor were Arthur Pendleton Bagby, of Monroe, and Samuel W. Oliver, of Conecuh. Mr. Bagby was the Democratic candidate; Mr. Oliver was not exactly a Whig, nor yet a Democrat. In our day he would probably be called an Independent. Mr. Bagby was elected.

When the Creeks were leaving, one of their chiefs, Eufaula, passed through Tuscaloosa, and was invited to address the legislature. There are many famous Indian speeches, but it is doubtful if any of them excel in dignity and simple pathos this farewell of the Muscogee chief. His words were translated and taken down at the time. "I come, brothers," he said, "to see the great house of Alabama and the men that make the laws, and say farewell in brotherly kindness before I go to the far West, where my people are now going. I did think, at one time, that the

white men wanted to oppress my people and drive them from their homes by compelling them to obey laws they did not understand ; but I have now become satisfied that they are not unfriendly towards us, but that they wish us well. In these lands of Alabama, which have belonged to my forefathers, and where their bones lie buried, I see that the Indian fires are going out—they must soon be extinguished. New fires are lighting in the West, and we will go there. I do not believe that our great father, the President, intends to harm the red men, but wishes them well. . . . We leave behind our good will to the people of Alabama, who build the great houses, and to the men who make the laws. This is all I have to say. I came to say farewell to the wise men who make the laws, and to wish them peace and happiness in the country which my forefathers owned, and which I now leave to go to other homes in the West. I leave the graves of my fathers—but the Indian fires are going out, almost clean gone—and new fires are lighting there for us."

QUESTIONS.

What is said of Governor Clay ? Tell of the trouble with the Creeks. What measures were taken ? Describe the battle of Pea River. What is said of the removal of the Cherokees ? What counties were formed out of the Cherokee cession, and for whom were they named ? In what other wars were citizens of Alabama engaged during this administration ? What was the condition of the bank in 1836 ? In 1837 ? What causes of the bank's troubles are mentioned ? What was the general condition of the State in 1836 ? What institutions of learning were founded in 1836 ? Mention the changes in the Supreme Court in this period. What is said of the political parties of this time ? How did the Congressional elections in 1837 result ? The Senatorial election ? What is said of Governor McVay ? What was the result of the State election in 1837 ?

CHAPTER XXII.

ADMINISTRATION OF GOVERNOR BAGBY.



GOV. ARTHUR P. BAGBY.

GOVERNOR BAGBY was born in Virginia in 1796, and came to Alabama while it was a Territory. He sat for Monroe several times in the House of Representatives and was several times chosen speaker. In national politics he was a supporter of President Jackson against nullification. Striking in appearance, stately and graceful in bearing, and generous to a fault, he was a popular and successful governor, and was reelected in 1839, so that he held the office four years.

They were troublesome years. The Indian question, it is true, disappeared with the departure of the Cherokees in 1838, but the money question was still to be dealt with. The planters and farmers were in debt to the bank, and wanted to renew their loans; the bank was trying to collect its loans so as to get gold and silver to pay its own notes. The bonds issued by the State had been sold and the money used to pay the bank's notes, but there were hundreds of thousands of notes still unpaid. The State's efforts merely relieved distress; they did not cure the evil of the system. Many plans were proposed in the legislature, for it was felt that there was something radically wrong about the institution on which the State was now depending for its revenues. But all that *was done* at this session was to provide for a Board of Con-

trol consisting of three persons appointed by the governor with full power to examine the bank and its branches. When the time came to elect directors there were evidences of the corrupt influences brought to bear on members of the legislature.

The people had lost faith in the bank, and they were still suffering from the results of the panic. The price of cotton was low and money scarce. The farmers began to complain of the commission merchants and warehousemen at Mobile, and in the session of 1838 the legislature passed a bill providing for a State warehouse; but in the end the people found that the merchants and warehousemen were not to blame, and the scheme was given up. Governor Bagby in his annual message pointed out the faults of the bank system and recommended stringent laws to prevent directors from profiting unduly by their offices. The legislature adopted his recommendations.

But the hard times continued, and in 1839 there was another panic. The distress was heightened by a drought that stopped navigation on the rivers, and there was an epidemic of yellow fever at Mobile. The governor's message to the legislature this year was still stronger against the bank's methods.

But in the spring of 1841 the State was startled by the discovery of an extensive scheme, in which many prominent men were mixed up, to defraud the bank by false bills of exchange recommended by members of the legislature. The discovery prevented the mischief; but before Governor Bagby went out of office it was clear that the bank was a failure. The people had once been proud of it; they were now ashamed of it. We shall see how manfully they went about the task of correcting the mistake that had been made.

It is pleasant to turn from the affairs of the bank to other events of this administration. Three of these events were of lasting importance—the establishment of chancery courts, the

adoption of a penitentiary system, and the settlement of the old dispute with Georgia over the boundary line.

Governor McVay had strongly recommended the penitentiary system, but the bill was not passed until the session of 1838-39. Benjamin F. Porter, of Tuscaloosa, the author of the measure, was a humane man, and his name is connected with much wise legislation. Wetumpka was selected as the site of the penitentiary, and the buildings were erected at once. The adoption of the system put an end to various rude methods of punishment which had prevailed up to that time. The three judges of the Supreme Court were authorized to prepare a new penal code.

The State was now divided into two divisions of six chancery circuits, and two chancellors were elected by the legislature. Within a few years, however, the number of circuits was increased and an additional chancellor elected.

The boundary line run by the Georgia commissioners in 1826 had never been accepted by Alabama, and the dispute was still open on the question of the "great bend" in the Chattahoochee, and the identity of "Uchee" Creek. Correspondence resulted in the appointment of another commission, on which Alabama was represented by three commissioners. The dispute finally led to the adoption of the present line.

Notwithstanding the distress following the panic of 1837, the census of 1840 showed a very large gain in population. The total was 590,756; whites, 335,185, and blacks, 255,571. The percentage of increase had been greater among the blacks than among the whites. The number of counties had grown to forty-nine. The cotton crop, which in 1830 was less than 100,000 bales, was now nearly 450,000.

The chief improvements in transportation were on the rivers, several of which were now important highways of commerce. The steamboats were handsome vessels, and *Mobile* had profited by the development of river trade. The

early eagerness for building railroads had died out, and the plank roads were not a success. Governor Bagby, in his message of 1839, admitted that the State was not making satisfactory progress in the matter of transportation, and he added: "I avail myself of this occasion to express my decided and clear preference for the opening and improving the navigation of our rivers over every other description of internal improvement." At the next session of the legislature the committee on internal improvements reported a plan for a water route which should connect northern and southern Alabama; but nothing came of it.

In the field of education the notable events of Governor Bagby's administration were the inauguration of a new president of the University and the establishment of another college for girls at Marion. President Alva Woods retired in 1837, and the Rev. Basil Manley, D.D., of Charleston, S. C., took his place. Dr. Manley became very popular, and some important additions to the teaching staff were soon made. Among the new professors was Professor F. A. P. Barnard, who in later years was president of Columbia College in New York.

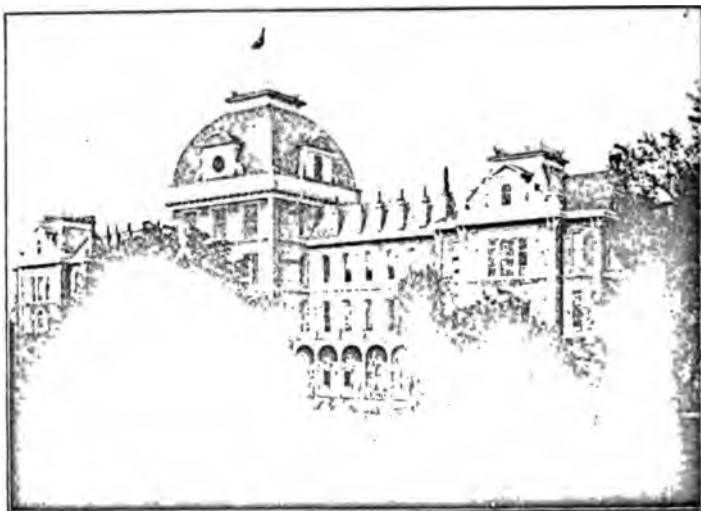
The Judson Female Institute, founded at Marion in 1839, was and still is a Baptist institution. Its first president was Milo P. Jewett, who many years afterwards was placed at the head of Vassar College.

An effort was also made during this administration to organize a good system of public schools. Daniel P. Bestor, of Greene, a member of the legislature in the session of 1837-38, labored long and earnestly in this movement. He considered the cause of his failure to be that the attention of the people was entirely taken up with the affairs of the bank. He said that in canvassing for his school bill among the members of the legislature he was sometimes met with the reply:

"I don't know anything about your bill, but I have a

friend that I want elected bank director, and if you will vote for him, I will vote for your bill."

In fact the bank question, or rather the money question, affected nearly everything during these years. There was a national money question as well as a State money question, and in politics these two questions were uppermost. President Jackson killed the national bank, and his successor,



JUDSON FEMALE INSTITUTE.

President Van Buren, proposed a new plan of a sub-treasury in which the government should keep its funds.

In Alabama there was much difference of opinion on this proposal. The Whigs were against it and the Democrats as a rule favored it. The State-Rights men also favored it, and as a result they were brought into closer union with the Democrats. In general, however, the Whigs were gaining strength in the State. In 1838 they elected a congressman in the Tuscaloosa district to succeed Congressman Lawler,

who had died, and in 1839, at the regular election, they carried the Mobile district also, electing James Dellet, a very able man.

This left the Democrats only three of the five representatives from Alabama, and they looked about for some plan to get back their former strength. They hit upon the idea of electing the five congressmen on a general ticket for the whole State instead of electing one in each district. A bill to make this the system of election was introduced at the



HENRY W. HILLIARD.

session of 1840, but the Whigs, who were now quite strong in the legislature, made a bitter fight against it. One of their leaders was a young orator named Henry W. Hilliard, who was to play an important part in the political history of the State. The bill became a law, but with a provision that the people should be allowed to vote at the next election on the question whether the new system should be permanent or not. The result

was very curious. The Democrats elected all five of their candidates on the general ticket in 1841, but at the same time the majority of the votes of the people was against the Democratic plan of a general ticket, and therefore it was repealed. This incident is very interesting, for the idea of submitting particular laws to a popular vote, though often discussed in America, has seldom been tried. One of the new congressmen chosen was George S. Houston, of Limestone.

In the presidential election of 1840 the Whigs made a great

fight in Alabama. Their candidate was General William Henry Harrison, a popular hero, and the Democratic candidate was President Van Buren, who had lost some of his popularity by reason of the hard times. It was a famous campaign. There was much stump speaking, and barbecues were the order of the day. The Whig emblem was a log cabin, and log cabins were to be seen everywhere. Alabama went for Van Buren by a small majority, but General Harrison was elected. The Democrats at this time were strong chiefly in the "white counties" of northern Alabama; the main strength of the Whigs was in the cotton counties, where the greater planters lived.

In the State election of 1841 also the Whigs made a contest. Their candidate for governor was Colonel James W. McClung, of Madison, an accomplished gentleman who had been several times speaker of the House of Representatives. The Democrats nominated Benjamin Fitzpatrick, of Autauga. Fitzpatrick was successful by a good majority.

QUESTIONS.

Tell what you know of Governor Bagby. What was the great question of his administration? What did the legislature do about the bank in 1837? What was the feeling among the farmers? What discovery about the bank was made in 1841? Tell what you know about the establishment of the penitentiary system. About the chancery system. About the Georgia boundary. Tell about the census of 1840. What progress had been made in transportation? What two events in the field of education happened in this period? Why did the public-schools bill fail? What were the main questions in politics at this time? What progress was made by the Whigs? Describe the "general ticket" plan and tell what came of it. Describe the campaign of 1840; the State election of 1841.

CHAPTER XXIII.

ADMINISTRATION OF GOVERNOR FITZPATRICK.



GOV. BENJ. FITZPATRICK.

GOVERNOR FITZPATRICK was born in Georgia in 1800. He came to Alabama in 1819, and settled first at Montgomery. He served as solicitor for his circuit, and acquired fortune and reputation as a lawyer. He was reelected governor in 1843 and served until 1845. His administration covered an important period in the financial history of the State. In all the stations he occupied he was distinguished

by sound judgment, solid ability, and purity of character. One source of his influence lay in his family connections, for by marriage he was related to the Elmore family, which was powerful in South Carolina, in Alabama, and in other States, and with Dixon H. Lewis, at that time the most influential of the Alabama congressmen.

He was a good man to have at the head of the government while it was dealing with the question then uppermost in the minds of the people—what to do with the State bank and its branches. The legislature took up the subject at the session immediately following his inauguration, and a joint committee of both houses was appointed to investigate the charges of fraud. An examination of documents and witnesses seems to have proved the existence of a conspiracy; but all the facts

can never be publicly known, for the committee never finished its work. The Senate suddenly recalled its members, and then the members representing the house tendered their resignations. The house members, however, reported "the existence of a disgraceful league to plunder the banks and swindle the people of the State," and they hinted pretty clearly that "men high in office, members of the legislature and bank directors," were connected with it. The testimony taken by the committee was bound in a volume, entrusted to the secretary of state under a seal of secrecy, and has never been published.

It was left to the next legislature to take final action in the matter, and in choosing that body the people kept in mind the important work it would have to do. An unusually good legislature was elected. Governor Fitzpatrick called to his aid two famous lawyers, Henry Goldthwaite and John A. Campbell, and consulted with them as to the best course to take. Mr. Campbell accepted an election to the lower house, and was made chairman of the committee on the bank and its branches, and the governor in his message of 1842 referred the subject to the two houses for decisive action. The report of Mr. Campbell's committee, one of the ablest State papers ever written in Alabama, outlined a plan to be adopted.

By this time the bank's notes, which were used as money in Alabama, had fallen much below their face value because the banks could not redeem them in gold and silver. The committee said:

"The citizen, in all his engagements that look to the future, experiences painful anxiety and distrust. He does not know what alterations may take place in the standard to which he now refers in his contracts. He has seen that property [money], the possession of which it was supposed would command every other, the most uncertain, unstable, and fluctuating in value of any."



Under these conditions, the committee pointed out, the lot of the poorer, the laboring, men was especially hard, because while the uncertainty lasted the rich would not invest their money and give employment to labor. The committee then took up the case of each of the branch banks in turn, and made such a showing against them that all four were denied the privilege of making further loans or borrowing more funds, and provision was made for settling all their accounts. As the phrase is, they were put in liquidation.

Then, for the first time in years, laws were passed to obtain by taxation the money needed for the expenses of the government ; for it was seen that the bank could no longer provide revenues for the State. The people bore the new burden almost without a murmur. To relieve those persons in the new counties who were buying government lands, Congress was asked to pass a law making the bank money good for payments on their purchases, the State also agreeing to receive in this form the sums coming to it for purposes of education and internal improvements. Congressman Reuben Chapman strongly advocated the measure at Washington, and all the members from Alabama supported it. It became a law and gave much relief.

The next year the head bank at Tuscaloosa was put in liquidation, and that meant the end of the State banking business for Alabama. As the bank's notes were redeemed, they were burned, and the plates on which the bills had been printed were cut to pieces. Then, as the number of bank notes in circulation began to diminish, they rose in value and finally reached par. Governor Fitzpatrick zealously and carefully supervised the work of winding up the system. The doubtful debts due to the bank were placed in the hands of attorneys for collection. The interest on the State debt was promptly paid whenever due.

The behavior of the people at this time must be a source of pride to their descendants. They had lost much through



the failure of the bank, and had suffered all the ills that flow from bad laws about money; but there was no outbreak against the bank directors and others who had misled them. They saw that the fault was in the system itself—in bad money, in money controlled by law and loaned out by men subject to political influence. Knowing that money had been too plentiful, they saw why it had lost value. Now that it was scarce, they made a brave effort to adjust their business to the new conditions, and very soon they began to succeed. Business began to grow from a firmer basis, and men took heart to work. Several cotton factories were built. The project of a railroad to run east from Montgomery into Georgia was again talked about. An agricultural convention at Montgomery expressed the opinion that the farmers should diversify their crops, as too much cotton was being grown. It was soon found that a good and stable currency was taking the place of the old bank money. Private banks were established on a solid basis, and the confidence of the people in their management was not disturbed by political influences.

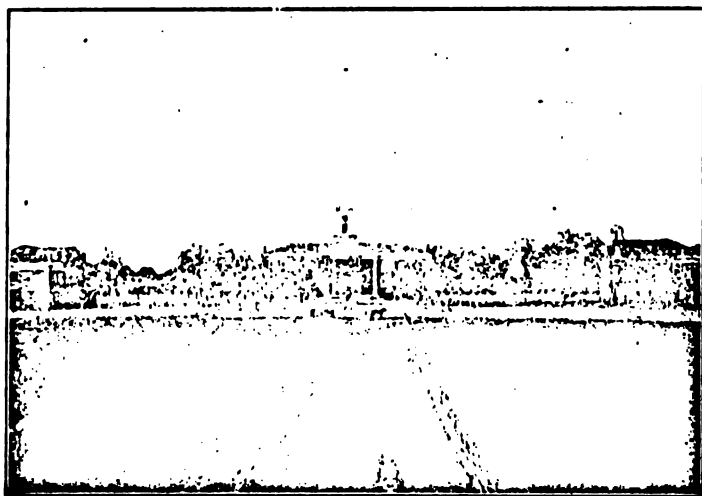
A notable step in education was taken in 1844, when the Baptists set up a college for men at Marion, the third seminary of learning to be established at that place. It was called Howard College for a famous philanthropist of that name. Its buildings were twice destroyed by fire. After nearly half a century of usefulness at Marion, it was removed in 1888 to East Lake, in Jefferson County. Its former buildings at Marion are now occupied by Marion Military Institute.

Apart from the bank, the legislature in this period dealt with several other subjects of importance. Two of them were changes in the Constitution.

Ever since 1819 there had been an election for members of the legislature on the first Monday of August in each year. The representatives held office for terms of only one year, and *each year* a portion of the Senate was also renewed. About

1840 the feeling in favor of biennial instead of annual elections grew strong. The matter was discussed in several legislatures, and at last, in 1845, an amendment to effect the necessary change in the Constitution was passed, and it was submitted to the people at the general election in August of that year.

It was at the same general election that an opportunity



OLD HOME OF HOWARD COLLEGE AT MARION.

Now occupied by
Marion Military Institute.

was given to the people to vote on another amendment. The Constitution had provided that the legislature elected in 1826 should choose a permanent seat of government, and that there should be no further change. The legislature now proposed an amendment repealing this clause of the Constitution so that the seat of government might be removed from Tuscaloosa.

The struggle between the two great parties in the State during this administration was almost as interesting as the discussion about the bank. As we have seen, the people voted against the general ticket plan of electing congressmen, so the legislature had to repeal it. But the legislature which met in 1842 had another plan to strengthen the Democrats in the congressional elections. Owing to the increase in population, the State was now entitled to seven congressmen, and it was necessary to lay out the districts anew. The main strength of the Whigs was in the cotton-growing counties in the central and southern parts of the State, the cotton belt, where there were large plantations and many slaves. Hitherto, in dividing the State into congressional districts, not only the white population had been reckoned, but three-fifths of the slaves also, that being the basis of representation named in the United States Constitution in the clause apportioning congressmen among the several States. It was now proposed, however, to lay out the districts on the basis of white population only. This, of course, would help the Democrats, who were strong in the white counties. Both houses favored the proposition, but in each the Whig minority voted against it.

In the election of 1843 only one Whig—Mr. Dellet, of the Mobile district—succeeded. His opponent was Judge Henry Goldthwaite, who resigned from the Supreme Court to make the contest. Both were able men, and the canvass is one of the most famous political battles in the history of the State. The other six congressmen chosen were all Democrats. One of them was James E. Belser, who made a strong congressman; another was Felix G. McConnell, a man who became famous for his rough-and-ready wit.

In 1845 the Montgomery district was carried by the Whigs, who elected their leading orator, Henry W. Hilliard. This district was a close one, and so it became a battle-ground for the two parties, and many stories are told of the great

oratorical contests which took place there. It was the fashion in those days for the opposing candidates to discuss public questions in joint debate. Mr. Hilliard excelled in such contests, but about this time the Democrats of a neighboring district brought forward as their candidate for Congress a young man of thirty, already distinguished for oratory, and destined to attain the highest eminence in that noble art. His nomination for Congress was the last of a series of important political events, which were as follows :

In 1842 Senator C. C. Clay resigned, and the legislature chose Governor Bagby to take his place. In 1844 Senator King gave up the seat he had held so many years and was appointed United States Minister to France. Dixon H. Lewis, the leader of the State-Rights Democrats in Alabama, became a candidate for the vacant place, and the legislature elected him by a good majority over Arthur F. Hopkins, the candidate of the Whigs, and perhaps the ablest of the Whig leaders. Mr. Lewis's seat in the lower house was thus left vacant, and it was to this seat that William Lowndes Yancey, the young orator of the Democrats, was now elected. He was reelected in 1845.

The presidential election of 1844 was specially interesting to Alabama because Henry Clay, the Whig candidate, had visited the State a few months before, and his coming roused the Whigs to much enthusiasm ; but the Democrats were successful, and the electoral vote of Alabama was cast for the Democratic candidate, James K. Polk, of Tennessee, who was elected.

However, when the time came to choose a successor to Governor Fitzpatrick, the Democrats got into trouble, and the trouble was due to an old source—the bank. By this time it was clear that the bank and its branches could pay back only a part of the money which the State had given into their keeping, and that in consequence the State was going to be burdened with a debt. The people did not shrink

from the burden. On the contrary, when a resolution in favor of meeting every obligation thus incurred was introduced in the House of Representatives in 1844, it passed by a vote of 100 to 0. Nevertheless, the people were angry with the bank and disposed to distrust everybody connected with it.

The Democratic convention of 1845 was thinly attended; a boat-load of delegates from Mobile and other river towns had not arrived when the candidate for governor was named. The nominee was Nathaniel Terry, of Limestone. He had served many years in the legislature, and had been four times president of the Senate; but he had been an active bank man, and it was known that he owed the bank money. True, nothing improper appeared in his relations with the institution; but the people did not take kindly to him as a candidate. Democrats in various counties protested, and they finally induced Chancellor Joshua L. Martin, of Tuscaloosa, a life-long Democrat, to risk his fate as an independent candidate for governor. The Whigs made no nomination, but doubtless most of them voted for Martin. After an exciting campaign he was elected by 5,000 majority. The old-line Democrats would not accept him as their leader, and so this may be accounted the first defeat the Democratic party ever got in Alabama.

QUESTIONS.

What is said of Governor Fitzpatrick? What did the legislature of 1841-42 do about the bank? What steps did Governor Fitzpatrick take to secure legislation? Tell what you know of Mr. Campbell's report and the laws passed in pursuance of it. What was done about raising revenue for the government? What is said of industry at this time, and of the general condition of the State? What new college was founded? What constitutional amendments were submitted to the people in 1845? Tell about the question of the "white basis." What was the result of the congressional elections in 1843? What is said of the Montgomery district? Of Mr. Hilliard? Of Mr. Yancey? What changes occurred among Alabama's senators in this administration? Tell about the State election of 1845.

CHAPTER XXIV.

ADMINISTRATION OF GOVERNOR MARTIN.



GOVERNOR JOSHUA L. MARTIN.

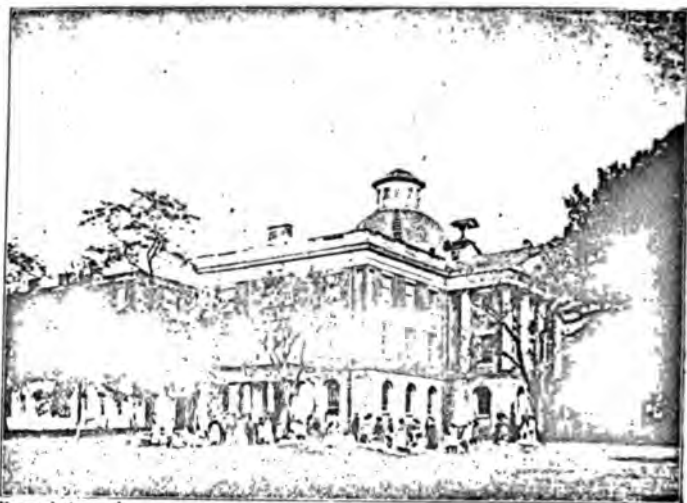
GOVERNOR MARTIN was born in Tennessee in 1799, and came to Alabama in 1819. He was in the public service many years, as a member of the legislature, as a solicitor, as a circuit judge, and as a chancellor. In the legislature he was among the first to point out the faults of the bank, and as governor his chief desire was to rid the State honorably of the system.

He was a clear-headed man, and was firmly bent on taking the only course that would uphold the credit of Alabama. The people seem to have been behind him, though some of the politicians opposed him.

Almost immediately after his inauguration in 1845 the new governor sent to the legislature a strong and simple message, recommending decisive action about the bank. By this time, as he pointed out, it was clear that over six millions of debts due to the bank were hopelessly "bad;" and he said that the only thing to do now was to collect as many as possible of those that were good, and, with the money received, reduce the debt the State had incurred in building up the system. He recommended that no more directors or other officers be elected for the bank and its branches, but that the work of collection be turned over to commissioners, and that a single agent be placed in charge of each branch.

His recommendation was adopted. The three commissioners first chosen were Francis S. Lyon, Benjamin Fitzpatrick, and William Cooper. Mr. Fitzpatrick, however, declined to serve, and Clement C. Clay, another former governor, was put in his place. It was soon evident that the commissioners were wisely chosen, for they made good progress in their work.

As we have seen, there were two other important questions



From photograph.

OLD CAPITOL, TUSCALOOSA.
Now Alabama Central Female College.

before the people in the election which brought Governor Martin into office. These were the amendment to the Constitution making the State elections take place once every two years, and the amendment providing that the seat of government might be removed. A majority of the people voted in favor of both amendments, and they were carried. And so 1846 was the first year in the history of the State, since elections began to be held, in which there was no open-

ing of the polls in Alabama ; and the same year Tuscaloosa was deprived of its distinction as the seat of government.

But Tuscaloosa did not give up the prize without a struggle. After the legislature had ratified the two amendments, it had still to choose a capital, and Tuscaloosa was among the foremost of the towns that contended for the honor, and for some time she held first place in the balloting in the legislature. The strongest claims against her were made by Wetumpka and Montgomery ; but Selma, Mobile, Marion, Huntsville, and Statesville were also advocated. At last the supporters of Wetumpka yielded to the superior attractions of Montgomery. Then a combination was made, and on the sixteenth ballot Montgomery won. The final voting was on January 26, 1846. But the actual removal did not take place until near the end of 1847, when the archives were transferred to the new capitol, built near the bank of the Alabama, on an eminence called Goat Hill. Montgomery at this time was a promising town, hardly a city in size, but surrounded by a rich agricultural region. One short railroad was as yet the only sign that it was to become a railroad centre ; but it profited by the steamboat trade on the Alabama, and already it was notable as the home of some very able men.

Owing to the amendment making State elections biennial, the year 1846 was a quiet one for the State politicians ; nevertheless, it was a year marked by events of importance for Alabama. In 1846 the Mexican war began, and the people of Alabama took a great interest in the struggle. A large number of Alabamians volunteered, and some of them went to the front, but only one Alabama regiment was received into the United States service. Governor Martin, ever watchful of the reputation of the State, exerted himself to raise its quota of troops, going, perhaps, beyond the limits of his authority.

Alabamians were interested in the Mexican war not only

because some of them were engaged in it, but because it was connected with a great national question that had to do with the rights of Southern States in the Union. Now that the bank was destroyed, this subject was getting the first place in the minds of the people. Alabama, as we know, had not sympathized with South Carolina when she declared a tariff law null and void, and Congress had given up the policy of protective tariffs, so that there was no longer any trouble on that score. The trouble now was about the slaves.

There were negro slaves in all of the colonies which became the original thirteen States. When the Constitution of the United States was adopted, certain men were opposed to slavery, some on economic grounds, and some on moral grounds. However, the Constitution permitted the slave trade to continue for twenty years.

There were slaves in the North as well as in the South, but not so many. The climate and the industries there were not suited to slave labor, and as time passed one Northern State after another abolished slavery. In the South, where agriculture was the main industry, where plantations were large, where the crops could be raised with unskilled labor, slaves were more profitably employed. So the number of slaves increased.

The first serious trouble over slavery occurred just about the time Alabama was admitted to the Union. The Territory of Missouri was created out of the Louisiana purchase, in which slavery had existed, but many Northern congressmen objected to admitting the State with slavery. After a long wrangle in Congress, a compromise was finally made. Missouri was admitted as a slave State, but slavery was prohibited in other States that might be formed out of that portion of the Louisiana purchase lying north of the line which formed the southern boundary of Missouri. At this time there was talk of secession in the South, but the people generally accepted the compromise in good faith.

England had set the example of buying the slaves in her colonies and setting them free, and many prominent men began to urge that it was our duty to follow a similar course. There was talk in Virginia about freeing the slaves; and Alabama, as we know, went so far at one time as to forbid any one to bring slaves into the State for sale or hire. As slavery gradually disappeared in the Northern States, many people there were hoping that it would disappear in the Southern States also, but, under the Constitution, they had no authority to interfere. At first, only a few talked of interfering, and they did so at great risk to themselves. They were mobbed in some places, and their leader, William Lloyd Garrison, was once in danger of his life in Boston. But they kept on declaring that the North, as well as the South, was responsible for slavery, and that if the Constitution and the Union protected the system, then it was right to destroy them both. After a while, a great orator, Wendell Phillips, took up their cause; and such poets as Longfellow, Bryant, Lowell, and Emerson wrote verses in their behalf. They were called "abolitionists," because they wished to abolish slavery. They helped slaves to escape, and kept sending petitions to Congress on the subject. At last they began to appear in politics under party names. James G. Birney, who had once been a slaveholder in northern Alabama, but had freed his slaves, was twice their candidate for President.

In 1846 it was seen that much new territory would be acquired from Mexico, and Texas had already come in as a slave State. So there arose over the territory to be acquired from Mexico just such a controversy as had arisen over the Louisiana purchase.

It was about this time that Mr. Yancey began his public speaking on the subject in Alabama. The people crowded to hear him wherever he spoke, for he was a wonderful orator. Gradually he took the first place among those leaders who

held the advanced Southern view of the Territorial controversy. This view was that since all the States were equal under the Constitution, every citizen had the right to go into the Territories with his property, and that Congress must protect property in slaves there, as well as every other sort of property.

Meantime, there were plenty of politicians struggling over lesser affairs, particularly the offices. Governor Gayle was elected to Congress as a Whig in the Mobile district in 1847. In the other districts the Democrats were successful. One of their congressmen was Franklin W. Bowdon, who was by many considered the equal of Yancey and Hilliard in oratory.

When the time came to choose Governor Martin's successor, the Whigs nominated Nicholas Davis, of Limestone. He was a gentleman of much experience in public affairs, and a fine representative of the large planters of the State. The Democrats nominated Congressman Reuben Chapman, of Madison. Governor Martin had meant to run again, but he retired in order to prevent a Whig victory. Chapman was elected by a majority of over six thousand in a total vote of nearly fifty-five thousand.

Politics played such a large part in the lives of Alabamians in the forties that any account of those times must be full of details of elections. Stump-speaking was popular, and candidates debated public questions before the people, who gathered in great crowds to hear them. Campaign barbecues sometimes lasted for days. Many anecdotes of the period have come down to us. In these, three prominent figures are Judge E. S. Dargan, General Felix McConnell, and Judge Samuel F. Rice.

Dargan, a penniless youth, *walked* from North Carolina to Alabama. He was careless of appearances and by no means handsome. On the way, a ferryman made fun of him and his journey. In a flash of anger Dargan exclaimed: "You will yet live to see me chief justice of Alabama;" and such, in fact, he became. But the best-known story about him is that once he went on circuit with a half-dozen shirts and returned with his travelling bag empty. He and his wife were both amazed to find that he had put the whole half dozen on his back, one after another, *until he wore them all at once*. It is said that he always appeared sleepy

and disgusted except when his really fine intellect was aroused in a legal or political discussion.

General McConnell was beaten by Samuel F. Rice when he ran for a renomination after his first term. McConnell then went before the people as an independent candidate, and he and Rice had a debate all over the district. It was a memorable contest, for both were men of much mother wit, very ready before the people, and quite fearless. McConnell won. Meeting Mr. Rice soon after the election, he offered his hand and said: "Well, Mr. Rice, the election is over; the people of the bloody seventh have decided that, as between you and me, they would take me as the less of the two evils. Now, when I get to Washington and tell the people there, who know what manner of man I am, the principle on which the people selected me over you, what do you suppose they will think of you?"

Mr. Rice was famous as a wit, a lawyer, and a judge. In his time he belonged to half a dozen parties, but his friends never doubted his sincerity. He was unfortunate in politics, and never got to Congress.

QUESTIONS.

Tell what you know of Governor Martin. What plan did he recommend about the bank? Who were appointed to carry it out? What change was made about elections? Tell about the contest over the seat of government. Tell of the Mexican war, and Alabama's share in it. What question was now uppermost in national affairs? What is said of the feeling about slavery? Of the Missouri Compromise? Of the abolitionists? Of Mr. Yancey? What was the result of the congressional elections in 1847? Of the State election?

CHAPTER XXV.

ADMINISTRATION OF GOVERNOR CHAPMAN.



GOVERNOR R. CHAPMAN.

GOVERNOR CHAPMAN was born in Virginia in 1802, and came to Alabama in 1824. He served one term in the State Senate, and was in Congress from 1835 until his election as governor. His administration was largely concerned with the winding up of the bank's affairs; and in careful guardianship of the State's financial interests he proved himself a worthy successor to Governor Martin. He performed the duties of his

office with high ability strengthened by long experience in public affairs.

The bank commissioners this year gave such a clear and satisfactory account of the work they had been doing that the legislature formally recognized their services. The final step in the affairs of the bank was taken in 1847 by an act making Francis Strother Lyon sole commissioner and trustee, with power to deal with all debtors. From this time everything relating to the bank was left in his hands. In discharging the duties imposed upon him he rendered perhaps the most valuable financial service the State has ever received, and left the debt incurred through the bank as small as it could honorably be made.

With this change in the commission, Clement C. Clay finished his long career in the public service, though he lived

many years afterwards. The bank had now ceased to have any important place among the subjects before the people, and the legislature turned to other questions.

A new county was formed out of Washington and Sumter, and was named Choctaw, in honor of the tribe of Indians that had always been such good friends to the white men. Its county seat, Butler, was named for a gallant officer, Colonel Pierce M. Butler, who was killed in 1847 at the battle of Cherubusco in the Mexican war.

The desire for railroad building revived. A capitalist from New York, who visited Montgomery in the interest of a proposed railroad to the Pacific through the territory newly acquired from Mexico, was invited to deliver a public address in the Representatives' Hall. Two new railroads were chartered in 1848, the Mobile and Ohio, and the Selma, Rome, and Dalton, but it was some years before much progress was made with either enterprise. The legislature devoted a good deal of time to the consideration of such topics. In addition, it established a system of taxes to pay the expenses and to maintain the good name of the State.

The government at this time fully committed itself to the duty of paying the interest on the various trust funds that had been sunk in the bank and its branches, particularly the University Fund and the "sixteenth section" fund given by Congress to support public schools. The State pledged itself to pay the interest on this latter fund to the trustees of the various townships, by whom it was expended.

An exciting contest for a seat in the United States Senate attracted much attention. The Democratic candidates before the Assembly were William R. King, now returned from his foreign mission, and Dixon H. Lewis, who wished to retain the office. They were the two Alabamians who had won widest fame in national politics, and each had warm supporters. The Whig candidate was Arthur F. Hopkins, of Mobile, a man of unusual ability who would doubtless have

enjoyed many public honors if he had not faithfully adhered to a party which was in a minority in the State. Eighteen ballots were needed to decide the contest, and the result was the first and only defeat Senator King ever met. Mr. Lewis was regarded as the more pronounced State-Rights man of the two, and his election showed the drift of public opinion at that time. Mr. Yancey was among his supporters. The feeling of the legislature on national questions was further indicated by great receptions to two of the victorious generals of the Mexican war—General Shields and General Quitman—who visited Montgomery during the session.

The war was now over ; but it left a great question still to be settled. The United States by the treaty of peace got much new territory from Mexico. The question was whether or not slavery should exist in this new territory. That brought on a discussion of the whole slavery question, and from this time Alabama and Alabamians had an important part in the contest.

Naturally, the South rejoiced over the territories acquired from Mexico. Slave labor employed in agriculture wastes land very rapidly, and the planters were constantly opening up new fields. Such new fields the Mexican cession would furnish, and it was pleasing to Southerners for economic as well as political reasons. But the great majority of Northern congressmen were opposed to slavery in the new Territories ; many who were not willing to interfere with it in the States where it already existed desired to see it confined to those States. The abolitionists wished Congress to prohibit slavery outright in the Territories. The moderate men wished to compromise by leaving the matter to the inhabitants of the Territories themselves, acting through the Territorial legislatures. This plan became known as the doctrine of "Squatter Sovereignty."

The position of the extreme Southern Rights party was indicated by Mr. Calhoun and other leaders in Congress, and

by Southern newspapers. The first time, however, that it was formally set forth by any convention was at the Democratic State Convention held at Montgomery in 1848. The leader of the Southern Rights men in the convention was Mr. Yancey, and from this time he remained their foremost man, for Senator Lewis died that year. Mr. Yancey went to the convention with a platform in his pocket, and such was the effect of his eloquence, and such the temper of the people, that he got the convention to adopt it without changing a word. It became famous as the "Alabama Platform." The most important resolution was to the effect that neither Congress nor the Territorial legislature had any right to prohibit slavery in the Territories, but that, on the contrary, it was the duty of Congress to protect property in slaves just like any other property. This is important as the first formal resolution stating the view of the matter which more and more Southern men were beginning to hold.

The Alabama convention sent Mr. Yancey and other delegates to the National Democratic Convention with instructions to support no man for President who would not accept this view. However, the National Convention nominated for President Lewis Cass, of Michigan, a man who was supposed to hold the "Squatter Sovereignty" doctrine. Mr. Yancey withdrew from the convention and refused to support the candidate; but only one other delegate took this course.

When Mr. Yancey came home, the majority of the party also refused to follow him, and he held aloof during the campaign. The Whig candidate, General Zachary Taylor, was a Southerner and a slaveholder, and many State-Rights men preferred him to Cass. As a result, the Whigs came within a thousand votes of winning the election in Alabama—the nearest they ever came to carrying the State. General Taylor was elected, and for a time there was a lull in the excitement. But Mr. Yancey and a few others never changed their views.

The place in the United States Senate left vacant by the death of Senator Lewis was filled by the appointment of Benjamin Fitzpatrick. This action of Governor Chapman's was unpopular in some quarters, and in the end seriously affected his own career. The same year, William R. King was elected to succeed Senator Bagby, and in 1849 Jere Clemens, of Madison, a brilliant young man who had won distinction in the Mexican war, was chosen to fill the place to which Mr. Fitzpatrick had been temporarily appointed. The Congressional elections of 1849 brought no change of great importance. The Whigs retained their hold on two districts and the Democrats carried the other five.

The remainder of Governor Chapman's term was chiefly notable for an amendment relating to the judiciary, which was submitted to the people in 1849. Hitherto, the judges of the circuit and county courts, like those of the Supreme Court, had been chosen by the legislature. It was now proposed to have them elected by the people, and at the same time the county courts were called "probate courts"—the term by which they have since been known. The people favored the amendment, and the next legislature ratified it.

Governor Chapman's term expired in 1849. It was the custom of the Democrats in Alabama to give a governor who had served two years a nomination for a second term without a convention. Governor Chapman could easily have got a renomination in this way, but he saw that opposition to him had arisen in the party, and the retirement of Governor Martin after two years seemed to some to have broken the precedent of a second term. Governor Chapman therefore asked that a convention be called.

This was done. A majority for Chapman appeared on the first ballot, but in Democratic conventions a two-thirds majority is necessary to nominate, and this could not be obtained for him. When he fell below a majority vote his name was withdrawn. The candidates then before the con-

vention were John Erwin, of Greene; John A. Winston, of Sumter; Judge Stone, of Lowndes; and Chief Justice Collier, of Tuscaloosa. After two days of balloting, Judge Collier was nominated, and at the election he was chosen without opposition. But at the same time the Whigs carried the State Senate. The lower house and the two houses on joint ballot were, however, Democratic.



JUDGE GEORGE W. STONE.

Before the day came for the inauguration of Governor Collier, a startling event occurred. On December 14, while both houses were in session, fire was discovered in the new capitol, over the Representatives' Hall. The Senate quickly adjourned and the House broke up. The flames spread rapidly. Most of the archives were saved, but the library was almost totally destroyed. In a few hours the State was without a capitol, and almost immediately talk of another change in the seat of government began to be heard.

The following is an abstract from the Alabama platform of 1848, on the subject of protecting slave property in the Territories :

"Resolved, That the treaty of cession should contain a clause securing an entry into those Territories to all citizens of the United States, together with their property of every description, and that the same should remain protected by the United States while the Territories are under its authority.

"Resolved, That the opinion advanced or maintained by some, that the people of a Territory acquired by the common toil, suffering, blood and treasure of the people of all the States, can, in other event than the forming of a State Constitution preparatory to admittance as a State into the Union, lawfully or constitutionally prevent any citizen of any such States from removing to or settling in such Territory with his property, be it slave property or other, is a restric-

tion as indefensible in principle as if such restriction were imposed by Congress.

"Resolved, That this Convention pledge itself to the country, and the members pledge themselves to each other, under no political necessity whatever to support for the offices of President and Vice-President of the United States, any persons who shall not be openly and unequivocally opposed to either of the forms of excluding slavery from the Territories of the United States, mentioned in these resolutions, as being alike in violation of the Constitution, and of the just and equal rights of the citizens of the slaveholding States."

QUESTIONS.

What is said of Governor Chapman? What was the final step in settling the affairs of the bank, and who was entrusted with the work? Mention some of the other subjects discussed by the legislature of 1849-50. What was done about the trust funds? Describe the King-Lewis contest. Explain how the Mexican war brought up the slavery question. What was the plan of the extreme anti-slavery men? What was meant by Squatter Sovereignty? What became of Senator Lewis, and who succeeded him as a State-Rights leader? What was the "Alabama platform"? Describe the presidential election of 1848. What changes were made in Alabama's representation in the United States Senate? How did the congressional elections of 1849 result? What constitutional amendment was submitted to the people in 1849? Tell about the nomination and election of a governor in 1849. What misfortune occurred in December, 1849?

CHAPTER XXVI.

ADMINISTRATION OF GOVERNOR COLLIER.



GOVERNOR HENRY W. COLLIER.

HENRY W. COLLIER was born in Virginia in 1801. He was educated in North Carolina and in Tennessee, whence he came to Alabama and settled in Huntsville, but he afterwards moved to Tuscaloosa. In 1827 he was in the legislature, and the next year he was chosen a circuit judge. From 1837 to the time of his nomination for governor he was chief justice, and in that office he won a high reputation as a jurist.

As governor he was distinguished by

fairness, moderation, and good sense.

The first thing the legislature had to do after the inauguration of Governor Collier was to provide a home for the State government, and this was the chief business of the session. An attempt at a third removal was made, but it failed, and it was finally voted to build again on Goat Hill. The new capitol was built in two years, and was ready for use when the session of 1851 began.

It is probable that it was only the discussion over the rebuilding of the capitol that prevented the legislature of 1849 from establishing one of the most creditable institutions the State now possesses. During the winter of 1849-50, Miss Dorothea L. Dix, a philanthropic woman of New York, visited Alabama. She had devoted herself to the help of the

insane, and she came to urge upon the legislature a duty too long neglected. Bills to establish a State hospital for insane persons were introduced into both houses, but did not pass. At the next session the measure was passed, and Tuscaloosa



From a photograph.

was selected as the site, but the hospital was not opened for patients until 1861. Since that time it has been greatly enlarged. For many years it was under the care of Dr. Peter Bryce, a man of national reputation, whose name is now a part of its official title. The legislature of 1849 reelected William R. King to the office of United States senator.

The census of 1850 showed a population of 771,623. The whites were 426,514; the slaves, 334,844; and the rest were free negroes. The same year a new county was formed out of a portion of Walker, and named for the Massachusetts patriot, John Hancock; but some years later the name was changed to Winston, in honor of a governor of Alabama.

Some industrial progress was made during the administration. In 1850 there were twelve cotton mills in the State. At the close of the year 1851, about thirty-three miles of the Mobile and Ohio Railroad had been completed, making, with

the forty-four of the old Tusculum and Decatur and the eighty-eight of the Montgomery and Western, a total of one hundred and sixty-five miles. The organization of the Mobile and Girard, chartered in 1846, was perfected in 1849, but little progress had been made. The people, however, were getting interested in the subject of railroads, and it was not long, as we shall see, before they got almost as much excited over them as they had once been over banks.



JUDGE EDWARD S. DARGAN.

With the final report and the resignation of Commissioner Lyon in 1853 we reach a point where we may at last dismiss the State bank entirely. The report showed that the State's bonded debt, which was nearly nine and a quarter millions when the bank was placed in liquidation, had been reduced, chiefly through the excellent management of the commissioner, to a little more than three and one-half millions; while the notes of the bank still outstanding were freely received at par. The legislature passed resolutions of thanks to Mr. Lyon. John Whiting, who was chosen to succeed him, discharged the remaining duties of the office in a creditable way.

During this administration some changes occurred in the Supreme Court. The learned Judge Edward S. Dargan succeeded to the post of chief justice left vacant by Governor Collier's resignation. In 1851 the number of judges was increased to five, and the next year Chief Justice Dargan resigned and Judge William P. Chilton was made the head of the court.

But for a time nothing in the affairs of the State itself was sufficient to draw the attention of the people from the great national question of the day.

The politicians in 1850 were hotly debating a series of measures which passed the Congress at Washington that year, and which were known collectively as the Compromise of 1850. These measures were devised by the great Whig leader, Henry Clay, to settle the trouble that had arisen between the North and the South, chiefly over the Territories acquired from Mexico. The North



JUDGE WILLIAM P. CHILTON.

desired to see slavery prohibited in this region; Southern men claimed the right to carry their slaves into it. The Compromise had three main features: 1. The people of the Territories of New Mexico and Utah were to decide the slavery question for themselves when they were ready to come into the Union as States. 2. California was admitted to the Union as a free State. 3. A new law was passed to compel Northern people to return fugitive slaves to their masters. Clay, who proposed the compromise, was the leader of the Whigs, but a majority of the Democratic congressmen voted for it, and some Southern Whigs opposed it.

While Congress was discussing the compromise, the excitement in Alabama, as in other Southern States, was intense.

A Southern convention, held at Nashville, in which Alabama was represented, stated the Southern claims in a somewhat moderate form and then adjourned, with a view to a second meeting if the final action of Congress should prove unfavorable; but there was no second meeting.

The people in Alabama who, like Mr. Yancey, opposed the compromise, organized as a separate party. They were called the Southern Rights Party. They took the ground that the rights of the Southern States had been disregarded in the matter of the protection of slave property in the Territories. They began to question the value of the Union. They held a State convention at Montgomery, and in 1851 they nominated candidates in all the congressional districts. On the other side were the "Conservatives" or "Union" men, who received the support of the main body of the Whigs, and Mr. Hilliard became their foremost advocate. Governor Collier was reckoned a Conservative. The result was that the Southern Rights men, who were also called disunionists, succeeded in electing two congressmen, John Bragg and Sampson W. Harris, while the Conservatives won in the other five districts, and Governor Collier was elected with little opposition. The new men who appeared in Congress as the result of the Conservative victory were Judge William R. Smith, Alexander White, and James Abercrombie, who won in a most exciting contest in the Montgomery district. Abercrombie and White had been identified with the Whigs; the others, Conservatives and Southern Rights men, were all Democrats.

The people of Alabama had again refused to follow Mr. Yancey, but he did not change his mind as to the best course for the South to take. The election showed that Alabama accepted the Compromise, and this seemed to be the decision of the whole country, for the next year, in the presidential contest, both the Whigs and the Democrats announced that they would stand by it. The Democrats

chose Franklin Pierce, of New Hampshire, as their candidate for President, and for Vice-President they named William Rufus King, of Alabama. The ticket was elected, and the Whigs never recovered from their defeat. But the accomplished Alabama statesman did not live to occupy the high station to which he had been chosen. He took the oath of office in Cuba, whither he had gone to restore his broken health, but his strength barely enabled him to reach his home in Dallas County, where he died in April, 1853. Eulogies pronounced in Congress show that he was held in high esteem by men of all parties and sections.

To fill his place in the Senate, Governor Collier appointed Benjamin Fitzpatrick, and later the legislature elected him. It was in this year also that Clement C. Clay, Jr., of Madison, a Democrat and a son of the earlier senator of the same name, was elected to succeed Senator Clemens. Senators Clay and Fitzpatrick were kept at Washington until the end of the fifties.



CLEMENT C. CLAY, JR.

The last year of Governor Collier's administration was a time of hopefulness. Many thought that the compromise measures would make an end of the sectional troubles that had excited the country and endangered the Union. Mr. Yancey found few to agree with him in his gloomy view of the situation. The people turned their attention to industrial enterprises, and the legislature chosen in 1853 was fully in sympathy with the popular feeling. A strong impulse developed in favor of State aid to railroads, and for a time this took the place of the great national questions as a subject for popular discussion. The temperance question also excited consid-

erable interest, and a convention which met at Selma adopted a bill in favor of prohibition, and asked the legislature to pass it. In the congressional elections the Democrats, united once more, carried every district except one, the Montgomery district, which again returned Mr. Abercrombie. In the State election (1853) they carried both houses of the legislature, the Senate for the first time since 1847, and their candidate for governor, John Anthony Winston, was elected without opposition. The Whigs as a separate party now practically disappeared.

When Vice-President King died, he had been in the public service almost continuously for more than forty years. In 1810 he was chosen to represent a North Carolina district in Congress; and we have seen how repeatedly the people of Alabama, after he had made his home among them, honored him by electing him to the Federal Senate. In 1850, when Vice-President Fillmore succeeded President Taylor, Mr. King was made president of the Senate, and was thus, even before his own election as Vice-President, only one step from the presidency. No other Alabamian has ever occupied so high a public station.

Mr. King was a very fine representative of the old-time Southern statesmen. He was polished in manner, thoughtful, modest, courteous, of good judgment, having the courage of his convictions, but respecting the convictions of others.

QUESTIONS.

What is said of Governor Collier? What was done in the matter of the capitol? Give an account of the hospital for the insane. Give, in round numbers, the census returns of 1850. What new county was formed, and for whom was it named? What is said of the industrial progress in this period? What did Commissioner Lyon's final report show about the banks and the State debt? Mention the changes in the Supreme Court in this period. Tell of the Compromise of 1850; of the Southern Rights Party; of the election of 1851. Tell of the presidential election of 1852. Of William H. King. What changes were made in Alabama's representation in the Senate of the United States? What questions arose in the last year of Governor Collier's administration? What was the result of the congressional elections in 1853? Of the State election?

CHAPTER XXVII.

ADMINISTRATION OF GOVERNOR WINSTON.



GOVERNOR JOHN A. WINSTON.

GOVERNOR WINSTON was the first native of Alabama ever chosen to be chief magistrate of the State. He was born in Madison County in 1812, but in his early manhood settled in Sumter as a planter. His public services had been confined to the legislature, but his firm character and his ability gave him a leading place in the Democratic party. While he was governor, his quality of firmness was much tested, for he frequently had differences with

the legislature, particularly on the question of granting loans to railroads and other industrial enterprises. He vetoed no less than thirty-three measures of this kind, and thus won the title of "veto governor."

His inaugural address was largely concerned with two important subjects which at once engaged the attention of the legislature and the people. He declared that the State should not engage directly in works of internal improvement until the public debt was paid; but he favored popular education. He soon found that on the first point the legislature disagreed with him. During the whole time he was governor the subject of railroads was uppermost in the minds of the legislators, and the majority favored State aid to such enterprises.

A whole system of new railroads was planned, and two special objects were proposed by the supporters of these plans. The first was the old design of making a closer connection between the Tennessee valley and the central and southern parts of the State; the other was the development of the long-neglected mineral wealth of the State. The chartering of the South and North Railroad in 1854 was perhaps the most



notable step actually taken. But many years were to pass, and many strange and terrible changes were to occur in Alabama, before these objects could be realized. Judge Leroy Pope Walker was perhaps the leading advocate of the view that the State should use its money and credit to help the railroads.

The interest in the mineral region was chiefly due to the *State geologist*, Professor Michael Tuomey. A great English

scientist, Sir Charles Lyell, had travelled in Alabama in the forties and made a slight study of its geology. A few years later Professor Tuomey was made State geologist, and he set about a systematic examination. He died in 1857, but he had already revealed the truth as to the mineral wealth of the State.

Long before his day, probably in 1830, some gold had been discovered. People living near the Warrior coal fields had used a little coal for themselves, and about 1853 there had been an attempt to ship coal from the Cahaba coal fields. Some small iron furnaces were started in Bibb and Shelby counties. But Professor Tuomey's report first set the governor and the legislature to thinking seriously that there might be a great industrial future for Alabama quite apart from the growing of cotton. A very interesting question arose when thoughtful men began to ask themselves whether the labor of slaves could be made profitable in the furnace, mine, and factory, as it had been on the plantation. As we shall see, however, the experiment was never tried, because of the mighty changes that soon occurred.

On the question of public schools the governor and the legislature were agreed; and the session of 1853-4 is notable as marking the beginning of the public school system of the State. The credit of leading the way in the movement is due to the city of Mobile, which had begun work on its public school system as early as 1826. In 1835 Mobile built its Barton Academy, which was in a sense the model for the legislature. Judge A. B. Meek, a representative from Mobile, was the author of the act establishing a State department of education. It provided for a State superintendent, three commissioners in each county, and trustees for each township; but it was not long before experience showed the wisdom of substituting a county superintendent for the three commissioners. William F. Perry was the first State superintendent.

The entire school fund for 1855 was less than two hundred and fifty thousand dollars. Part of this was a direct appropriation by the State, and the rest was interest on the gift of the United States.

It was a small sum to begin with, but a beginning was made. Over two thousand schools were opened the first year, supported partly by public contributions. In some cases private



From a photograph.

SOUTHERN UNIVERSITY, GREENSBORO.

schools already in existence were made public and free until the funds gave out, and then were made pay schools again. Progress was slow, but by the end of the fifties the total attendance was nearly one hundred thousand.

In 1855 President Manly of the University resigned, and Dr. Landon C. Garland, who had been a member of the teaching staff, succeeded him. By this time the University had gained a good place among Southern colleges. Its classes at graduation usually numbered from fifteen to twenty, and

many of its graduates afterwards won distinction in Alabama and other States. Its endowment, derived from lands given by the Federal government, had been sunk in the bank, but the State government acknowledged its obligation to pay the interest.

Two other events of educational importance which occurred about this time were due to the Methodists. In 1856 their conference founded the Southern University at Greensboro; and the same year the Alabama Conference Female College was set up at Tuskegee. The Greensboro institution was not ready for students until 1859, and its early promise was sadly marred by the Civil War, but in recent years it has taken a leading place among the colleges of the State. The Tuskegee institution had at the beginning the advantage of a very able president, Dr. A. A. Lipscomb, and it immediately prospered. Its work has been of great value, and has helped to gain respect for Alabama among those who are interested in the education of women.

Governor Winston's administration, like the one that preceded it, was marked by certain changes in the Supreme Court. The enlarging of the court to five members did not give satisfaction, and in 1853 the number was reduced to three. To fill the three places, William P. Chilton, George Goldthwaite, and Samuel F. Rice were chosen by the Assembly. Judge Chilton remained at the head of the court until 1855, when he resigned, and Judge Goldthwaite succeeded him; but the next year Judge Rice succeeded Judge Goldthwaite.

Except for a scourge of yellow fever in 1854, which was particularly severe at Montgomery, and a financial panic, general throughout the country, which came in 1857, the years of Governor Winston's administration were in the main prosperous years for the people; and prosperous years are not apt to be filled with exciting events. But in politics there was plenty of excitement. The period was marked in the

nation by the disappearance of the Whigs and the rise of two new parties. Only one of the new parties grew to strength in Alabama. What this new party desired it was not easy to find out, for its members, when questioned as to its objects, generally replied that they did not know. So they were called the "Know-Nothings"; in the end, however, they took the name of the "American party." As this party was a secret organization, it upset the calculations of the



From a photograph.

ALABAMA CONFERENCE FEMALE COLLEGE, TUSKEGEE.

politicians in many States. It came into existence chiefly to oppose the influence of foreigners and of the Roman Catholic Church in the United States. Democrats as well as Whigs joined it by thousands, but the Democratic party opposed it.

In the State election of 1855, it was beaten only after a severe struggle. Governor Winston was reelected by a majority of nearly twelve thousand over George D. Shortridge, the Know-Nothing candidate. In the congressional elections, however, the Know-Nothings carried two districts. One of

their successful candidates was Judge William R. Smith. Two years later, in 1857, he was the only successful candidate opposed to the Democracy. The Democrats then recovered their control over the State and maintained it until the Civil War put an end for a time to the necessity of sending representatives to Washington. In the presidential election of 1856 the electoral vote of Alabama was cast for James Buchanan. It was in 1856 that the other new party, the Republican party, first showed its strength in the nation. This party was formed chiefly to keep slavery out of the Territories. It carried several Northern States, but so far as the vote in Alabama was concerned it might as well have been a party in England or Russia.



JUDGE SAMUEL P. RICE.

Andrew B. Moore, of Perry, was the Democratic candidate for governor in 1857, and he was elected without opposition.

QUESTIONS.

What is said of Governor Winston? What two subjects were discussed in his inaugural address? What was the difference between the views of the governor and those of the legislature about railroads? What were the objects of the men favoring railroads? What is said of Professor Michael Tuomey? Tell of the establishment of the public-school system. What other events relating to education are mentioned? What changes occurred in the Supreme Court? What is said of the condition of the people during Governor Winston's administration? Describe the rise of the Know-Nothings; the State election of 1855; the presidential election of 1856; the State election of 1857.

CHAPTER XXVIII.

ADMINISTRATION OF GOVERNOR MOORE—ALABAMA IN 1860.



GOVERNOR A. B. MOORE.

GOVERNOR MOORE was born in South Carolina in 1807. He came as a young man to Perry County, where he first taught school and afterwards practised law. He won a reputation in the lower house of the legislature, and was several times chosen speaker. When first elected governor, he was judge of the circuit court. He is described as commanding in appearance and of a clear and logical mind. The later

events of his career have much endeared his memory to Alabamians.

His administration lasted four years, for in 1859 he was re-elected by a good majority over William F. Samford, of Macon. His last year of office was marked by an event of such importance that it changed the whole later history of the State. Indeed, it changed the State itself, changed its institutions, and in some measure changed its people. Let us, then, pause and study Alabama as it was at the end of the fifties; for in the sixties it was as if Alabama were melted with fire and then made over again after a new fashion.

Alabama in the forties and fifties differed very widely from the Alabama we know to-day, and it also differed considerably from the Alabama of 1820. Since 1820, changes *had come through the rapid growth of population, the open-*

ing of fields, and the building of small towns and cities. But none of these changes had come very suddenly, for there had been no wars or revolutions to alter the face of the country.

In the methods by which the people earned their bread there had been very little change. Agriculture was still the chief industry, and cotton was still king. From the sale of the cotton crop about twenty millions of dollars was obtained every year; and this was the main source of comfort and wealth. Crops like Indian corn were raised, and also horses, cattle, and other live-stock; but the planter's main business was growing cotton.

For the transportation of the crops, and for travel, there was much better provision than in 1820. The roads, it is true, were still very bad, as the testimony of travellers shows; but the flat-boats had given place to steamboats on the navigable rivers, and railroads had been built in some parts of the State. The steamboats were of great service. They moved down the rivers to the Gulf, heavily laden with cotton bales for shipment from Mobile, and returned with supplies for the planters and for merchants in the upper towns. Cotton was hauled through the country from the plantation to the nearest bluff on the river, from which it was sent down the slide-way to the waiting steamer. The necessity for stopping at so many landings made travel by the boats pretty slow.

We have seen how, in Governor Winston's time, the legislature framed a system of railroads to develop the "mineral region." Under Governor Moore, John T. Milner, a young civil engineer from Georgia, was selected to make a survey of a route to connect the Tennessee River and Mobile Bay, in order to develop the "mineral region." Mr. Milner declared that he did not know where the "mineral region" was, and the governor could not tell him. The young engineer's work was well done, however, and his report aroused much interest. But the great change that came at the end of Governor Moore's administration put an end to all this.



As to manufacturing, Alabama was far behind the States at the North and East, but it had made a beginning. The pioneer was Daniel Pratt, who had built a cotton mill and founded Prattville. In 1850, as we saw, there were twelve cotton factories in the State. In 1860 the census showed nine millions of dollars invested in various manufacturing enterprises and nearly eight thousand people thus employed. But this was as nothing compared with the North and East. Most of the articles the farmer used came from other States or from abroad.

And so, too, did his books and everything else he read, except his weekly newspaper. By this time the large towns all had their newspapers, and such places as Mobile and Montgomery had several. The papers did not contain a great amount of news, but they had enough discussion of politics to keep the farmers supplied with matter for talk at the cross-roads stores and after church on Sundays.

There were a few Alabamians who wrote books. Three of the most widely known authors of the State were women—Miss Augusta A. Evans, afterwards Mrs. Wilson, whose novels had many readers; Mrs. Caroline Lee Hentz, a lady of Northern birth who lived for some years in the State, also a novelist; and Mrs. Octavia Walton LeVert, of Mobile, who published an interesting book of travel. Dr. F. A. P. Barnard, professor in the University, and afterwards president of Columbia College, in New York, wrote many learned papers, chiefly on education and science. Judge A. B. Meek was a student of early Alabama history, and published both prose and verse, and Senator Jeremiah Clemens wrote novels, some of them about the Mexican war. There were also a number of public men whose writings and speeches on political questions were printed. Two books that have interest for us as students of Alabama history are “Simon Suggs,” by Johnson J. Hooper, and “Flush Times in Alabama and Mississippi,” by Joseph G. Baldwin. Both of these books are very amu-

ing, and both are pictures of life in Alabama. The "History of Alabama," by Albert James Pickett, published by himself in 1851, was in many ways an admirable work, and has been made the basis of the earlier portions of this book.

Various circumstances serve to explain why Alabama had produced no important literature. For example, there were no great cities, such as might have become literary centres. The more intellectual of the people were apt to be wealthy, and so had no need to write. Certainly, there were many cultivated men and women in the State. Of the planters, lawyers, clergymen, and physicians, a large proportion were college-bred men, and there was a high standard of political writing and speaking. Moreover, the colleges were growing stronger, and had among their professors a number of men who won distinction in scholarship. In Governor Moore's time a professional school was established—the Alabama Medical College. It was opened at Mobile in 1859, and assisted by the legislature the next year.

The churches were very strong. Every settlement had its house of worship; the traveller was apt to find one wherever two highways crossed. Here the farmers and planters gathered every Sunday, and there was usually a long sermon, to which they listened with reverence and faith. After the service there were greetings among the people and a half-hour of gossip about the weather, the crops, and politics. Then the wealthy went home to the midday dinner in fine carriages, others in wagons or on horses and mules. Many able and earnest men went into the ministry, and religion was an important part of the life of the people. Camp meetings early became the custom, and some of them were immense gatherings which aroused the utmost fervor and enthusiasm.

But the great difference between Alabama in those days and Alabama of to-day is that our grandfathers had many slaves. This was the main reason why the Southern States differed so widely from the Northern. In Alabama, as we

know, there were slaves under the French, and many more were brought from the Carolinas and Virginia. Though less in numbers than the whites, they more than kept pace with them in the matter of increase. They had a vast influence on everything, for most of the work was done by them.

Yet there were many men who owned no slaves, many who



From a photograph, 1897.

AN OLD PLANTATION HOME NEAR MONTGOMERY, AS IT LOOKS TO-DAY.

In the foreground is "Uncle Julius," who was raised on the plantation and never lived anywhere else. Formerly the avenue was bordered by rows of fine trees.

owned but one or two, and some people in the mountain regions who for years at a time never saw a negro. In 1850 there were in the whole State less than 30,000 persons who owned slaves; in 1860, between 33,000 and 34,000 persons owned all the slaves in the State. The great bulk of the negroes were on the large plantations or in the towns. They

were most useful in the growing of cotton and other work of a simple sort. They could not be trusted with work requiring much care and intelligence, for most of them were very ignorant, but the house servants were always much more intelligent than the field hands.

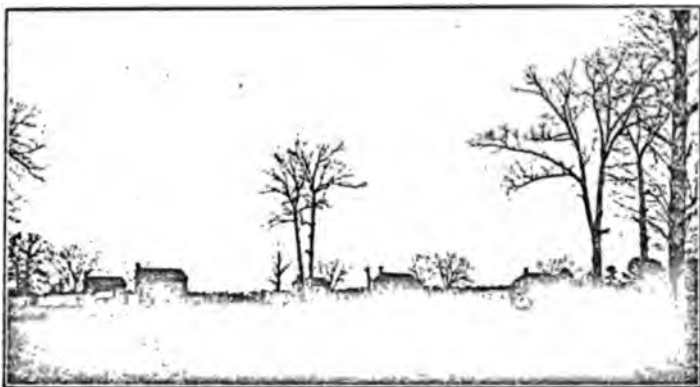
Of course there were some cruel men in Alabama, as there are everywhere, and by them the slaves were ill-treated, but travellers for the most part agree with the accounts which we have from our fathers that in the main the relations of master and slave were kindly; and that slavery in the South was as mild as slavery ever was anywhere. In Alabama masters were required by law to treat their slaves humanely. But a very thoughtful traveller who passed through Alabama in the fifties thought that slave labor was not then paying very well. His opinion was that the labor of the slaves cost the master more than was paid elsewhere for free labor; for the master fed and clothed the slave whether he worked or not, and the slave had no special reason to work hard, or to be thrifty. Senator C. C. Clay complained that even in the rich Tennessee Valley there were to be found deserted and worn-out fields and some people moving away to Texas. It is also sometimes said that slave labor is most profitable when employed on a large scale, so that the great planter had an advantage over the small farmer. But those views were not common in Alabama.

However this may have been, it is the big plantation we hear most about when there is talk of old times. Life on the plantation certainly had many charms. Travellers have had but little good to say about the roads or the hotels, but they have given us many pleasant glimpses of the old plantation home, the lavish hospitality, the easy, cordial manners, the good-natured, saucy house servants, the black "mammy," the masterful planter—a king within his own domain—and the gracious women and sweet-voiced children.

Such were the homes of the great planters, whose sons

either succeeded their fathers on the plantation or else went into law, or politics, or the ministry, or perhaps the army. The great planters were at the top of Southern society, just as the slaves were at the bottom. As they were accustomed to being obeyed, they usually had their way, and even in Congress their representatives stood together, and so were very powerful.

But on the other hand there were the small farmers and



From a photograph.

NEGRO QUARTERS ON SAME PLANTATION, NEAR MONTGOMERY (p. 224).

There were originally three rows of cabins—five cabins in each row.

the people who lived in the hill country. These had few slaves, and their fields were not broad. Among them were many poor, but paupers were not numerous in any class. It was the boast of the Southern people that among them paupers were as scarce as millionaires. Nevertheless, there were many whites who could neither read nor write, and so the control of politics was left largely to the great planters and lawyers. But the interest in politics was universal, and the people were fond of political speeches and joint debates, which had great educational value. When a real orator like

Mr. Yancey came among them, they heard him with a keen delight in his eloquence.

Such was Alabama in 1860,—a distinctly agricultural community of nearly a million souls. The population according to the census of that year was 965,201, and the whites outnumbered the blacks by less than a hundred thousand. Let us now inquire what was the great change that came upon this community in the early sixties, and how it came. It came suddenly, with uproar and excitement, but the causes that brought it about had been at work for many years.

QUESTIONS.

What is said of Governor Moore? Tell what you know of Alabama in 1860, under the following headings: Agriculture, travel and transportation, manufactures, newspapers, literature, cities, colleges, churches, the negroes, slave labor, the plantation, the great planters, the small farmers, and the poor whites, politics, and oratory.



CHAPTER XXIX.

ADMINISTRATION OF GOVERNOR MOORE—ALABAMA A CONFEDERATE STATE.

WE have seen that Mr. Yancey and his friends, the Southern Rights men, were twice defeated in Alabama. They were defeated in 1848, when the Democrats of the nation refused to adopt the "Alabama Platform," requiring Congress to protect slave property in the Territories, and when the Democrats of Alabama refused to leave the party on that account. They were again defeated when the people voted in 1851 to sustain the Compromise of 1850, which left the inhabitants of the new Territories to settle the question themselves. But the Southern Rights leaders would not give up; in 1852 they nominated their own candidates, Troup and Quitman, for President and Vice-President, but they got few votes. It looked as if Mr. Yancey could not persuade the people to follow him.

All this time there was debate in Alabama and throughout the South over the question of a remedy in case the Northern people would not return escaping slaves, and the South could not get what it considered its rights in the Territories. Mr. Yancey was clear as to the remedy he preferred. It was not a new idea, but had been advanced at various times by various men in different parts of the country. This remedy was secession: that is, for the Southern States to withdraw from the Union. In South Carolina, in 1832-33, nullification had been tried, but the leading men of that State now favored secession. Its advocates argued that each State could *withdraw from the Union*. In 1850, during the excitement over

the Compromise, when the convention of the Southern States met at Nashville, South Carolina was ready to secede at once ; but the convention would not recommend that course. The next year, a convention of Union men in Alabama, while declaring the right of any people to defy and resist an oppressive government, denied that the conditions justified such a course, and denied that the Constitution authorized secession. Their candidates for Congress took the same ground. Many men who thought the State had a right to secede, felt that it would be unwise to use it.

It began to look as if all slavery troubles would come to an end without any conflict between the sections. But the question was soon reopened.

Stephen A. Douglas, of Illinois, contended that the Compromise of 1850 had repealed the Missouri Compromise, and he got Congress in 1854 to pass a bill organizing the Territory of Kansas, north of the old compromise line, with the understanding that the people of the Territory should themselves decide whether they would have slavery or not.

But this aroused the anti-slavery men of the North again, and thousands of emigrants rushed to Kansas so as to vote to make it a free State. Southern men also rushed in with their slaves. One large company went from Alabama, led by Jefferson Buford, of Eufaula. Soon a border war broke out in Kansas. A new party sprang into existence in the North, called the Republican party, pledged against slavery in the Territories, and against new slave States. About this time "Uncle Tom's Cabin," a novel making pictures of great cruelty under slavery, was widely read. The new party carried several Northern States.

Most of the Northern States had passed Personal Liberty Laws, which effectually prevented the return of fugitive slaves. Negroes were helped to escape, usually to Canada, by means of a system known as the "Underground Railway."

As a result of these things, many Democrats in Alabama

came to take the same view of the matter that Mr. Yancey had taken, and many old Whigs came with them. Leading Southern men of all parties were beginning to think that the time had come to take such vigorous action as Mr. Yancey had all along recommended.

In 1857, the Supreme Court of the United States decided, in the famous Dred Scott case, that slaveholders had the right to take their slaves into any Territory, and that it was the duty of the government to protect them in their property.

This seemed to favor the Southern Rights view; but abolitionists vigorously assailed the decision, and the Republican party continued to grow stronger. The free-soil men were outnumbering the Southern men in Kansas, and Congress would not admit Kansas as a slave State. In 1859, John Brown, a man who had given his whole life to a warfare against slavery, made a desperate raid into Virginia, trying to excite a negro insurrection. He was captured, tried, and hanged. The whole country was thrilling with excitement when the great party conventions met in 1860. The Alabama Democrats sent Mr. Yancey and other delegates to the Democratic convention held at Charleston, S. C., in April, instructing them to withdraw from the convention if it did not adopt the "Alabama Platform." The legislature then passed a resolution instructing the governor to call a State convention if a Republican were elected President. The convention, if assembled, was to do whatever, in its opinion, "the rights, interests, and honor of Alabama might require to be done for its protection." In taking this action Alabama was in advance of the other Southern States. At the national Democratic convention, also, the Alabama delegates took the lead on the Southern side.

At the Charleston convention, in a famous debate with Senator Pugh, of Ohio, Mr. Yancey spoke for the Alabama Platform and for the South. The Southern Rights view was presented in a majority report from the Committee on Resolutions, and was defended by Mr. Yancey. It was, in brief,



MR. TANCEY ADDRESSING THE CHARLESTON CONVENTION.

The presiding officer is Caleb Cushing. The heads are from photographs. The stage and surroundings are from a photograph of the hall in which the convention was held.

that slaves were property, and had been so declared by the Supreme Court in the Dred Scott decision ; that every citizen of the United States had an equal right to go to any Territory with his property, and that the control of Congress over the Territories carried with it the duty of protecting his property, whether it were slave property or other. It was the great moment of Mr. Yancey's life, and Alabama was then playing such a part in history as it never played before or after. But by a few votes the Southern demands were rejected. The Alabama delegates then withdrew, and the delegates of the other Cotton States followed. The Democratic party was thus broken in two. The remaining delegates adjourned to Baltimore, and nominated Stephen A. Douglas, of Illinois, for President, and Benjamin Fitzpatrick, of Alabama, for Vice-President ; but Mr. Fitzpatrick declined, and Herschel V. Johnson, of Georgia, was put in his place. The delegates who had withdrawn also met at Baltimore, and being there joined by other seceders nominated John C. Breckinridge, of Kentucky, for President, and Joseph Lane, of Oregon, for Vice-President, on the "Alabama Platform." Already the Republicans had named as their candidates Abraham Lincoln and Hannibal Hamlin. A new party called the Constitutional Union party was in the field, with John Bell and Edward Everett as their candidates. Mr. Yancey travelled through the North as the principal orator of the Breckinridge party, and Mr. Douglas visited Alabama and other Southern States.

Alabama went for Breckinridge and Lane, and so did most of the other Southern States ; but Lincoln and Hamlin were elected. At once the Southern Rights leaders declared that the people of the Northern States had voted against giving to slave property the protection which the Supreme Court of the United States said it was entitled to. Governor Moore promptly ordered an election for delegates to a State convention. When the convention met, on January 7, 1861,

South Carolina had already seceded. But in Alabama there were some opposed to secession altogether, and many others who were not ready to take such a step. There were strong and able men opposed to Mr. Yancey's policy, just as Mr. Hilliard had opposed it from the beginning. These men loved the Union and were loath to leave it. But when on a test vote it appeared that fifty-four delegates were for immediate secession to forty-five against it, some of the Union men gave up the fight. As many of those men afterwards served faithfully and bravely on the Southern side, it is interesting to know how they felt when they saw that secession could not be prevented. Speaking for them, Mr. Jeremiah Clemens said :

" Acting upon the convictions of a life-time, calmly and deliberately I walk with you into revolution. Be its perils, be its privations, be its sufferings what they may, I share them with you, though as a member of this convention I oppose your ordinance."

On January 11, the convention adopted an ordinance of secession from the Union by a vote of sixty-one to thirty-nine ; but twenty-four delegates refused to sign it.

It was a time of tremendous excitement. Wild demonstrations greeted the ordinance. State after State was seceding, Alabama being the fourth, and all were sending delegates to Montgomery to form a new confederacy. Before the Alabama convention acted, Governor Moore took the responsibility of seizing the forts on Mobile Bay and the United States arsenal at Mt. Vernon. On February 4, the delegates from the seceding States met at Montgomery and organized the CONFEDERATE STATES OF AMERICA, of which Alabama at once became a member. A provisional Constitution was adopted. Jefferson Davis, of Mississippi, was elected President, and Alexander H. Stephens, of Georgia, Vice-President. Montgomery became the seat of the new government. February 18, Jefferson Davis, standing on the *portico* of the capitol at Montgomery, took the oath of office.

Cannon roared, and a new flag soon floated over the dome, while the multitude shouted wildly.

Mr. Yancey soon sailed for Europe at the head of a commission to try to persuade other nations to recognize the Southern Confederacy. All eyes were turned to Washington to see what the government of the United States would do. The congressmen and senators from Alabama and other States of the Confederacy had resigned. Commissioners were sent to Washington, but Mr. Buchanan refused to see them. When President Lincoln came into office on March 4, he announced that he would enforce the laws of the United States, of which he considered Alabama and the other Cotton States still a part.

The provisional Congress framed a permanent Constitution for the Confederate States. The Alabama convention ratified it, and then, on March 21, finally adjourned. It had also altered the Constitution of Alabama so as to provide for annual instead of biennial elections to the General Assembly, and made a few other slight changes.

Up to this time several forts in the seceding States were held by troops of the United States. One of these was Fort Sumter, in Charleston Harbor. The United States notified South Carolina that supplies would be sent to this fort. This was regarded as an act of war by the South. April 13, 1861, it was bombarded by a Confederate force, and its commandant, Major Anderson, surrendered. President Lincoln called for seventy-five thousand volunteers to put down those who were resisting the laws of the United States in the South. This meant war; Virginia and the other border States were therefore compelled to make their choice between seceding themselves or helping to overcome the States which had already seceded. Virginia, North Carolina, Tennessee, and Arkansas passed ordinances of secession, and sent delegates to the Confederate Congress. On May 20, the seat of government was transferred from Montgomery to

Richmond. At the first regular election under the permanent Constitution the eleven electoral votes of Alabama were cast for Davis and Stephens, who were elected. Twelve representatives were chosen as the Alabama members of the lower house of the Confederate Congress; and the legislature chose Mr. Yancey and Clement C. Clay, Jr., to be Alabama's senators. President Davis had already called Leroy Pope Walker, a distinguished lawyer and public man of Alabama, to be his secretary of war.

Alabama's fortunes were now cast for good and all with the Southern Confederacy. In the northern part of the State there was for a short time a Unionist plan to form a new State, to be called "Nickajack," but it came to nothing. Everywhere the people were arming for war. The North, enraged because the old flag had been fired on at Sumter, and terrible in the strength of numbers and wealth, was gathering around President Lincoln; the South was sending its sons to the border. The people of both North and South came mainly of a stubborn race, for centuries given to settling great questions with the sword. The people of Alabama were eager for their share of the fighting.

At the election in 1861 to choose Governor Moore's successor, John Gill Shorter, of Barbour, an original secessionist, was chosen over Thomas H. Watts, of Montgomery.

QUESTIONS.

Describe the Kansas controversy. What was the effect of it in Alabama? What was the Dred Scott decision? What was the state of feeling in 1860? What did the Alabama Democrats do? What did the legislature do? What happened at the Charleston convention? What did the other national conventions do? Describe the campaign. What did Governor Moore do? What did the Alabama convention do? What was done about the forts and arsenal near Mobile? Describe the formation of the Confederate government. What did President Lincoln do? How did the war begin? What was the result of the State election of 1861?

CHAPTER XXX.

ADMINISTRATION OF GOVERNOR SHORTER.



GOVERNOR JOHN G. SHORTER.

GOVERNOR SHORTER was born in Georgia in 1818. He came to Alabama in 1836, and made Eufaula his home. He was a lawyer, and had served the State in both houses of the legislature, on the bench of the circuit court, and in the Confederate Provisional Congress. He was a faithful public servant, but he held office in troublous times, when the people were hard to please. In consequence, he soon found his popularity declining.

Alabama was making a great effort to help in the common cause. A large appropriation had been made at the outset to help set the Confederate government on its feet; bonds and notes continued to be issued, and this meant, of course, that the State was running deeper and deeper in debt. So it was not long before the notes of the State, like those of the Confederate Government at Richmond, began to fall very heavily in value; the people, who were burdened with a tax in kind to support the armies in the field, and other grievous taxes, began now to be burdened once again with bad money, which is doubtless the worst of all the burdens that a free government ever imposes. It must be remembered, too, that the younger and stronger of the white men were for the most part serving in the war, and this made it all the harder for

those who were left at home. The sufferings of the great war were not confined to those who could fight.

As to Alabama's share in the fighting, Governor Moore reported, early in October, 1861, that there were 27,000 Alabamians in the field, organized into twenty-three regiments and numerous lesser formations. A year later, Governor Shorter reported the number swelled to more than 60,000; yet in 1860 the entire white population, of all ages and both sexes, was but 526,271. It was growing clear that practically the whole of the able-bodied white population must go, leaving only the slaves and the wounded or otherwise disabled white men at home to till the soil and protect the women and children. Before long, refugees from other States, where the fighting was going on, fled to Alabama, because of its situation at the heart of the Confederacy, to share and increase the privations of those who were already there. The central position of the State made it also good ground for arsenals and other establishments that would be endangered by the approach of hostile forces, and Selma was accordingly the seat of the largest arsenal in the Confederacy. Towards the end of the war a large military prison was established at Cahaba. The University, having adopted the military system in 1860, became a valuable training school for soldiers.

The achievements of Alabama's troops in the war belong properly to the history of the whole country. Scattered throughout the Confederate armies, they bore their share of the fighting in all the important battles. Their brightest laurels were won on fields remote from their own homes. At the beginning, many were sent to man the forts around Mobile and Pensacola; but thousands were soon marching away to the borderland of Kentucky and Virginia. Alabama troops felt the first blow of the Federals at Bull Run, and several Alabama regiments won in that battle a reputation for steady courage which they kept undiminished to the end.

By the close of the first year of the war, names of Alabama

men had begun to shine very brightly in the lists of valorous Confederates. James Longstreet, accredited to Alabama, was taking his place with Lee and Jackson. General Leroy Pope Walker had resigned his position as Secretary of War, and now commanded a brigade in the Army, and the Ordnance Department at Richmond was under General Josiah Gorgas, an Alabama officer. General Jones M. Withers was commanding the defences of Mobile. Robert E. Rhodes, of Tuscaloosa, was beginning in the earlier Virginia campaigns the career that led to a major-general's commission; while John B. Gordon, who had gone to the front at the head of the "Raccoon Roughs," of Jackson County, was laying the foundations of the fame which Georgia has taken for her own. Scores of others were winning distinction, while many—it is dreadful to think how many—were falling in those early battles and leaving no record of their devotion, albeit we may not doubt they met their deaths as bravely as any of those whose valor chanced to be observed.

During this first year of the war Alabama was not the scene of any engagements; the peace that had reigned within her limits since the days of Weatherford and Dale was still unbroken. Early in 1862, however, there was an advance of the Federals into Tennessee, which resulted in the battle of Shiloh, in which many Alabama soldiers were engaged. The Confederates retreated into Mississippi, and the beautiful Tennessee Valley was overrun by Federal troops. The sufferings of its people were even greater than those which ordinarily result from a military occupation. The Federal general in command himself reported that many outrages and much plundering had been committed by vagabonds connected with the army, and one of his brigade commanders was dismissed from the service for giving over Athens to "indiscriminate sack." The Federals were driven back by an advance of the Confederate Army under General Braxton Bragg into Tennessee and Kentucky. With Bragg were



CONFEDERATE GENERALS
FROM ALABAMA.



many Alabama troops, and at the battle of Perryville, which occurred during this campaign, a brigade composed mainly of Alabamians was commanded by Brigadier-General Sterling A. M. Wood, of Alabama, who was severely wounded. General Bragg's movement was not, on the whole, successful, and one of the consequences was the reoccupation of northern Alabama by Federal troops. Brigadier-General Philip Dale Roddey, with an inadequate force of Confederates, made some headway against the invaders.

Meantime, in Virginia and Maryland, the Confederate Army of Northern Virginia under General Lee had been winning some famous victories, first beating back McClellan in the Seven Days' battles around Richmond, then Pope in the second battle of Manassas, and then advancing into Maryland to fight the indecisive battle of Sharpsburg; afterwards retiring into Virginia, and at Fredericksburg repulsing with fearful slaughter a third advance of the Union army under Burnside. In these operations Evander M. Law, of Alabama, won his commission as brigadier-general, and the list of distinguished Alabama officers was lengthened out with other honorable names. Among these one is sure to be remembered just as the great commander wrote it down in his report of the battle of Fredericksburg—"the gallant Pelham"—the only name below the rank of major-general that was mentioned in the report. He who won that title soon crowned his devotion with a soldier's death, but the sweet and winning figure of the "boy artilleryman" will keep its place in our history, like Sir Philip Sidney's in English history, while any remain who love to read of youthful daring.

In the spring of 1863, Alabama was the scene of a brilliant exploit by the Confederate cavalry leader, General N. B. Forrest, in whose command were many Alabama soldiers. After repulsing an advance of General Dodge, who had a force of some 8,000 Federals in Lawrence County, not far

from Florence, Forrest set out in pursuit of Colonel A. D. Streight, who had started from Tuscumbia towards Rome, Georgia, with a strong force. The Federals were overtaken in the lower part of Morgan on the last day of April, defeated in a sharp engagement, and driven in disorder into Blount, Forrest still hotly pursuing. Reaching Black Creek, in Etowa County, the pursuers found the bridge destroyed; but Ella Sanson, a girl of the neighborhood, climbed to a seat behind General Forrest and guided him to a ford. The two were under fire, but the brave girl did not flinch. The legislature at its next session voted her a gold medal and a section of land.

Pushing on with an advance guard of about 600 men, Forrest again overtook the main body of the Federals near Turkeytown, in Cherokee County. By clever manœuvres, he so deceived them as to his strength that they surrendered to the number of nearly 1,500. Later, another detachment of 250 was also captured, and a raid which had threatened much destruction of property was thus skilfully brought to an end.

It was not found possible to drive the Federals from the Tennessee Valley, but Confederate resistance to detached commands was successful at Claysville, in Marshall County, under Captain H. F. Smith, of Jackson, and at Madison Station, in Madison County, under Colonel Patterson, of Morgan. Lawless bands were devastating northern Alabama during the whole period of its occupation by the Federals.

In the same year on remoter fields events occurred of the first importance to the cause in which Alabama was so deeply interested. The Army of Northern Virginia, after winning the campaign of Chancellorsville, and thereby repulsing another attempt of the Federals to reach Richmond, once again marched northward. This time, Lee passed through Maryland into Pennsylvania, and in consequence the battle of *Gettysburg*, the supreme effort of the Confederate arms,

was fought on Northern soil. In that great struggle, as in those which led up to it, Alabama was represented by many brave and now hardened fighters. It was at Gettysburg that Generals William H. Forney and Birkett D. Fry were wounded and taken. Soon after the battle, Cullen A. Battle was commissioned brigadier-general. Lee's army was not driven from the field—the Army of Northern Virginia had never been driven—but after three days of assault it failed to dislodge the Union army. That, under the circumstances, was a defeat, and seemed to show that the Confederate forces could never successfully invade the Northern States.

The very next day, the Fourth of July, the cause was woefully hurt by a disaster in the west. Vicksburg, which had endured for weeks the horrors of a siege, was surrendered to General Grant. This victory left the Mississippi open to the Union forces, and cut the Confederacy in two. At Vicksburg General Isham W. Garrott, an Alabamian honored in peace no less than in war, was slain; General John H. Forney, a brother of him who suffered at Gettysburg, was among the prisoners; and so was Colonel Edmund W. Pettus, whose behavior during the siege deserved the higher military title which he afterwards received. In another western engagement, the battle of Port Gibson, General Edward D. Tracy, of Alabama, was killed by a ball which passed over the shoulder of Colonel Charles M. Shelley, who was also to be numbered among the Alabama brigadiers.

It is not strange that while such events as these were in progress the death of an Alabamian whose true life-work was finished before the fighting began should fail to draw the eyes of men from those who were working out his lessons on the battlefield. Mr. Yancey died at Montgomery, of a painful malady, in July, 1863. The storm he had done so much to raise was in its fullest sweep, but he did not live to see it descend upon his own people and his own home.



BRIG. GEN. EDMUND W. PETTUS



BRIG. GEN. W. H. FORNEY



MAJ. GEN. JNO. H. FORNEY



BRIG. GEN. CHAS. M. SHELLEY



BRIG. GEN. ISHAM W. GARROTT



BRIG. GEN. EDWARD D. TRACY



BRIG. GEN. CULLEN A. BATTLE



BRIG. GEN. BIRNEY D. FRY

CONFEDERATE GENERALS
FROM
ALABAMA.

His successor in the Confederate Senate was Robert Jemison, of Tuscaloosa.

A distinguished Alabamian, Judge John A. Campbell,



JUDGE JOHN A. CAMPBELL.

was serving as secretary of war. In 1853 he had been appointed one of the justices of the Supreme Court of the United States. He was the only representative that Alabama ever had in that body. After Alabama seceded, Judge Campbell resigned his high office, and came back to share the fortunes of his State. A year later, he became assistant secretary of war. He was one of the three commissioners who met Mr. Lincoln in a conference over the

terms of peace at Hampton Roads near the close of the war.

At the State election in 1863 the people chose Thomas Hill Watts, of Montgomery, to succeed Governor Shorter.

QUESTIONS.

What is said of Governor Shorter? Of the material burdens of the people during his administration? Of their share in the fighting? Mention the names of some Alabama officers who won distinction early in the war. What is said of the military operations in Alabama in 1862? Of those in Virginia and Maryland, and Alabama's share in them? Describe the campaign of Forrest and Streight, following their movements on the map. What were the two great Confederate disasters of 1863? Give the names of some Alabama officers mentioned in connection with the engagements of that year. What is said of Judge Campbell? What was the result of the State election of 1863?

CHAPTER XXXI.

ADMINISTRATION OF GOVERNOR WATTS.



GOVERNOR THOMAS H. WATTS.

GOVERNOR WATTS was a native of Alabama, a graduate of the University of Virginia, and a distinguished lawyer. In politics he had been a strong Whig until the downfall of the Whig party, then a Know-Nothing. He believed, however, in the right of a State to secede from the Union, and finally he joined Mr. Yancey, an old opponent, in favoring the act. He went into the war at the head of a regiment, but was recalled in 1862 to become attorney-general of the Confederacy in the place of Thomas Bragg, an able Alabama lawyer, who had discharged the duties of that office since General Walker's resignation as secretary of war.

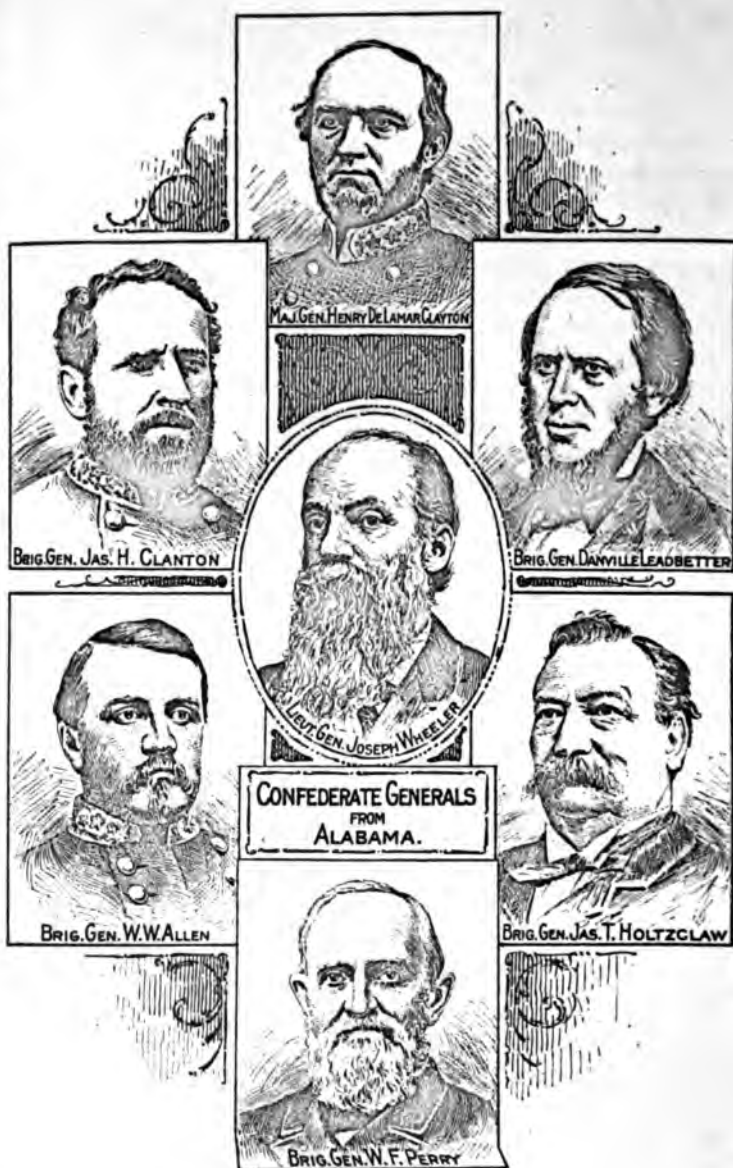
It was while he held this place in the Cabinet that Mr. Watts was chosen governor. At the head of the State government he did his duty patiently, guarding the credit of the State with special care. The most important change among the office-holders during his administration was due to the resignation of Confederate States Senator Clay, who went to Canada on a dangerous mission for the government. His place was taken by Richard W. Walker, of Lauderdale. At the time of his appointment, Mr. Walker was a justice of the Supreme Court, and his place on the bench fell to John

D. Phelan, of Tuscaloosa. At this time Abraham J. Walker, who succeeded Judge Rice in 1859, was still chief justice.

The sufferings and anxieties of the people during this administration were greater than ever before. The ports of the Confederacy were so well blockaded by the fleets of the United States that it was rarely possible to ship the products of the people's industry to a foreign market, or to import the commodities which could not be raised at home. In consequence, the beleaguered Confederates were deprived of many comforts. Food grew scarce and clothing scarcer still. The army, having absorbed all the men of fighting age, began now to take old men and boys. Meanwhile, the terrible circle of fire kept drawing closer and closer around the homes of Alabama. The struggle was growing sterner and sterner; the hope of victory fainter and fainter.

In the spring of 1864, General Ulysses S. Grant was in command of all the Union armies, and he placed himself at the head of the mighty array confronting Lee's outnumbered veterans in Virginia. The struggle between these two famous generals was marked by bloody repulses for the Federals; but reinforcements made them stronger with every repulse, while the Army of Northern Virginia grew weaker with every victory. To Alabamians, the campaign is made especially memorable by the death of John C. C. Sanders, a brigadier at twenty-four, at Deep Bottom, on August 16; of Major-General Robert E. Rodes, at the battle of Winchester, early in September—the end of a brilliant military career that had won the admiration of Lee and Jackson; and of Brigadier-General Archibald Gracie, Jr., a most promising young officer, in the Petersburg trenches, early in December. Colonel Young M. Moody, of Alabama, succeeded to his command and rank.

In the campaigns of the Western armies the men of Alabama were even more conspicuous. Hundreds of them, with General Joseph E. Johnston, faced Sherman on every battle-



field from Dalton to Atlanta, and in no campaign was Alabama ever represented by so large a number of general officers. Among these were Major-General Henry De Lamar Clayton, Brigadier-Generals Zach C. Deas, E. W. Pettus, John T. Morgan, William W. Allen, James Cantey, Alpheus Baker, P. D. Roddey, John H. Kelly, J. T. Holtzclaw, C. M. Shelley, and Edward A. O'Neal. In the struggles around Atlanta, General Alpheus Baker was wounded, and George D. Johnston was made a brigadier-general. Brigades, regiments, and battalions of Alabama soldiers were also with General Hood on his ill-starred advance into Tennessee, taking part in the victory at Franklin and the disastrous defeat at Nashville. At Franklin fell John Herbert Kelly, a youth of twenty-four, who even at that early age was in command of a brigade.



REAR-ADMIRAL SEMMES.

During the summer of this year the harbor of Cherbourg, France, saw the end of a career that has given to the name "Alabama" a peculiar distinction in naval history; for it was there the Confederate cruiser *Alabama*, under Rear-Admiral Raphael Semmes, of Mobile, was sunk by the steamer *Kearsarge*. The *Alabama* had given the commerce of the United States a blow from which it has not to this day recovered, and Admiral Semmes had made for himself a reputation second to none in the naval history of the Confederacy.

As yet, only comparatively small bodies of the Federals had been directed against points within the State, though the northern counties had been traversed by important armies. This was still the rule in 1864. In July, the Federal Gen-



BRIG. GEN. GEO. D. JOHNSTON



BRIG. GEN. JAS. CANTEY



BRIG. GEN. ARCHIBALD GRACIE



BRIG. GEN. ALPHEUS BAKER



BRIG. GEN. JNO. T. MORGAN



BRIG. GEN. Z. C. DEAS

CONFEDERATE GENERALS
FROM
ALABAMA.



BRIG. GEN. JNO. H. KELLY



BRIG. GEN. YOUNG M. MOODY



BRIG. GEN. JNO. C. C. SANDERS

eral Rousseau made a raid southeastward as far as Opelika and Auburn, cutting the line of the Montgomery and West Point Railroad, and destroying valuable stores. He was driven into Georgia by the militia and citizens. In September, General Forrest repeated at Athens, in Limestone County, the stratagem he had practised on Colonel Streight the year before, and thus succeeded in taking a force of 1,400 men. He also defeated a strong force sent to relieve



FORT MORGAN.

Colonel Campbell, and a little later captured 800 men at Sulphur Trestle.

But the most imposing array that the United States ever sent against the people of Alabama came by sea. Mobile Bay, which had been the scene of so many notable events in the founding of the State, was to become more than ever historical as the scene of one of the most celebrated victories ever won by an American admiral.

Mobile was strongly protected. It was surrounded by three lines of earthworks. Above, the approach by way of the Tensaw and Appalachee was guarded by batteries Huger and Tracy and other defences at Blakely. On the eastern shore of the bay were the strong redoubts of Spanish Fort. Below, ten batteries swept the channel, which was filled with torpedoes and obstructed by rows of piles. At the main entrance of the harbor stood Fort Morgan, on Mobile Point, and

Fort Gaines, on Dauphine Island. The narrow western channel, available only for light-draught vessels, was commanded by Fort Powell. Brigadier-General Danville Leadbetter, of Alabama, had done good service on these defences. By the summer of 1864 there were in the bay three Confederate gunboats and the iron-clad ram *Tennessee*. Admiral Franklin Buchanan was in command.

Admiral David G. Farragut, a son of the State that had once sent Andrew Jackson to deliver the settlers of this region from their savage foes, was in command of the Union fleet. A strong land force was ordered to coöperate with him.

For months he lay below Sand Island, blockading the har-



THE TENNESSEE.

bor and preparing for an attack. At length, on the morning of August 6, he steamed towards the channel near Fort Gaines with fourteen wooden ships and four iron-clad monitors. He was met by a tremendous fire from the fort and from the four Confederate vessels lying across the entrance to the bay. One of his monitors, the *Tecumseh*, was sunk by a torpedo, carrying down her commander and most of her crew. A boat from another vessel rescued the remainder, General R. L. Page, who commanded at Fort Morgan, having given generous orders not to fire on the rescuers. The *Brooklyn*, the leading vessel, halted, and for a moment the

whole fleet was brought to a stop; but Farragut, lashed to the rigging of the flagship *Hartford*, cried out, "I will take the lead," and sent the ship forward over the torpedoes. The garrison of Fort Morgan fought their guns like demons, but they could not stop him. The gunboat *Selma* raked the *Hartford's* decks, but the little vessel was soon taken, and the other two gunboats, the *Morgan* and the *Gaines*, were forced to take refuge in shallow water, leaving the *Tennessee* to dispute the mastery of the bay with the whole Federal fleet. This the *Tennessee* did bravely, trying to ram the *Hartford* and other ships; but she became the target for scores of broadsides, her rudder-chain was shot away, and her commander, Admiral Buchanan, was wounded. So she surrendered. Farragut was master of the beautiful bay, and had placed himself at the head of all the Union sea captains. His losses, however, had been much heavier than those of the Confederates. Fort Gaines fell the same day; Fort Powell had been abandoned the day before. Fort Morgan, invested by sea and land, held out a fortnight longer. August 3, when the guns were ruined, the powder gone, and the walls about to come down, General Page surrendered.

But the city itself was not yet taken. Large vessels could not get within range, and in consequence it held out for months while a sufficient land force was assembling to break through its defences. As late as February, 1865, its citizens, in mass meeting assembled, were courageously pledging themselves to a policy of unyielding defiance to the United States. But in March a strong force moved against it from Florida. Spanish Fort, garrisoned by 4,000 men, many of them below the military age, was attacked by land and sea. The garrison, "digging all night and fighting all day," made some gallant sorties and a stout defence; but by April 8 they were driven out. General James T. Holtzclaw, of Alabama, fell severely wounded while protecting the retreat.

Meanwhile, another division of the Federals had moved

northeastward, in the direction of Montgomery. They drove back a small Confederate force, and wounded and took prisoner the brave General Clanton—another Alabama brigadier. When they reached Pollard's Station they cut the railroad. Thence they moved on Blakely. It held out until the ninth, when the besiegers were joined by those who had taken Spanish Fort. Although the garrison was clearly over-matched by numbers, many still declined to surrender. The place was finally taken by assault; 3,423 Confederates were captured. Forts Huger and Tracy were then blown up. General Maury, who was in command of the department, at once abandoned Mobile, and on April 12 it was occupied by the Federals under General Granger.

Thus southern as well as northern Alabama was given over to the Federals. Nor had the central region been spared. Near the middle of March, General James H. Wilson, with about 13,000 men, mostly cavalry, set out from Lauderdale County to raid the country below, and to keep Forrest from aiding in the defence of Mobile. Another important object was to take Selma, where, besides the arsenal, there were stores intended for the use of Confederate vessels. Wilson's army moved southward in three divisions, he himself with one of the three proceeding by way of Elyton and Montevallo, destroying rolling-mills and other iron works, and hastening on to Selma. There he encountered Forrest, whose command, including practically every able-bodied man in the city, numbered but six or seven thousand. The result was hardly doubtful. Selma was taken by assault, with some 2,500 of its defenders, the arsenal destroyed, and much property given over to pillage. Forrest himself, with some of his officers, escaped by night. General Wilson passed on to Montgomery, and thence eastward into Georgia.

Another division of his command, under General Croxton, had moved from Elyton against Tuscaloosa. Croxton avoided General W. H. Jackson, of Forrest's cavalry, who had been

sent to intercept him, and soon reached the former capital. He found it practically defenceless. The young cadets of the University made a gallant but hopeless stand. Croxton burned the University buildings, and then, after some slight engagements with small parties of Confederates, passed into Mississippi.

General La Grange, who had been sent to help Croxton, but who had failed to join him, reached West Point on April 16, and found there a little fort, called Fort Tyler, defended by boys and men unfit for duty. It was attacked and taken, and its commander, General Tyler, was slain.

This, with another engagement the same day at Columbus, Georgia, was practically the last of the fighting. The great war was over, for soon tidings swept over the despairing South that Lee had surrendered at Appomattox on April 9. With him were a few hundred survivors of all the Alabamians who had shared the fortunes of his glorious army, among them Brigadier-General William F. Perry. Shortly afterwards, in North Carolina, the followers of General Joseph E. Johnston, who were the survivors of those who had faced Sherman on his march to the sea, also laid down their arms. With these were the cavalry leader, Joseph Wheeler, who has since become a public man in Alabama, and Brigadier-General William W. Allen, who played a fine part in the warfare of the Western armies. On May 4, General Richard Taylor, commanding the department to which Alabama belonged, surrendered to General Canby.

And now the soldiers of Alabama came wandering back from many battlefields, leaving comrades dead and the cause dead with them. Their simple soldier's faith had kept them true long after despair had begun to hover over the trenches and beckon them to its dread caress. Bewildered that their great devotion could prove so bootless, they looked in vain for any sight to justify their early hope. But among the ruins of their world they did find one solace left. The



women and children were safe, and therefore they must again take up their broken lives. The black guardians of their homes had not betrayed their trust. Thereby the slave himself gave for his master the best answer ever made to all that had been charged by the abolitionists, and won for himself a sure claim to his master's patience through all the gloomy years that were to follow.

QUESTIONS.

What is said of Governor Watts? What changes in public offices were made during his administration? What was the general condition of the State? What is said of the fighting in Virginia in 1864? In the West? Of the *Alabama*? Of the operations in middle and northern Alabama? Describe the battle of Mobile Bay; the land fighting around Mobile and at Pollard; the raid on Selma; Croxton's raid; La Grange's; the last battle. What is said of Lee's surrender? Of Johnston's? Of Richard Taylor's? Of the soldiers' return?



CHAPTER XXXII.

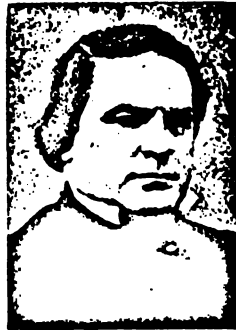
AFTER THE WAR—GOVERNORS PARSONS AND PATTON.

THE returning soldiers found Alabama impoverished, exhausted, and with the civil government set aside and Federal troops in control of the State. In the track of the various Union armies there was every form of desolation. The loss of property had been enormous. The Confederate money with which the people had been carrying on their business was now worthless. But the greatest loss of all was the loss of men. The State had given about one hundred and twenty-two thousand of her sons to the Confederate service, and it is estimated that one-fourth of these never came back. So much energy and strength were gone forever. Those who remained were left to struggle with new conditions and new problems.

The greatest of all the changes was the freeing of the slaves, and it is necessary to turn back and trace the steps by which it was brought about. September 22, 1862, President Lincoln, as commander-in-chief of the United States army and navy, proclaimed that on January 1, 1863, all slaves would be freed in those parts of the South where the people refused to recognize the authority of the United States. The great mass of the people of Alabama, holding themselves citizens of a Confederate State, paid no attention to the proclamation, and when the time came he named Alabama as one of the States to which it should apply. Congress also submitted to the States an amendment making slavery unconstitutional. Whether the proclamation came within the President's war powers or not, it had no immediate effect in Alabama, except in regions overrun by Union troops. How-

ever, these things made it plain that slavery would have to go if the Union arms prevailed, and after the war Alabama and other Southern States, accepting the result as final, abolished slavery through their State conventions.

For the people now saw that the effort to take Alabama out of the Union had failed, and they were ready to go back into their old place once more. But the way to do this was not clear, and they quickly learned that it was not for them to decide how it should be done. The power was in the government at Washington ; and it soon appeared that different public men at Washington had different plans. Before anything was accomplished a great misfortune had befallen Alabama and the whole South in the death of President Lincoln by the hand of a misguided, perhaps crazy, actor. Though few people of the South then knew it, and some did not learn it for many years, Lincoln's was the gentlest heart in Washington toward them. He had maintained all along that no State had a right to secede, and that Alabama had never



GOVERNOR L. E. PARSONS.

been out of the Union. His idea was that certain persons had been in insurrection, but that Alabama was still a State, and it was only necessary to organize a State government loyal to the Union. His plan was a simple and kindly one. He wished the Southern people to come back like sons and brothers to the home they had abandoned. Congress, however, showed a much more bitter feeling ; and when Andrew Johnson, who succeeded President Lincoln, tried to carry out Lincoln's plan, Congress would not let him do it.

On May 29, President Johnson issued a proclamation telling the people of Alabama how the State government

should be reorganized, and on June 21 he himself took the first step by appointing Lewis E. Parsons, of Talladega, provisional governor. Mr. Parsons had always been a Union man, and it was intended that none but those who were willing to swear allegiance to the Union should have any hand in setting up the new State government. The people were nearly all ready to take the oath, seeing as they did that the cause of the Confederacy was now lost forever ; but there were certain classes, such as those who had been officers of the United States and afterwards served the Confederacy, who were not allowed to vote or to hold office, whether they took the oath or not. All this seemed reasonable, and there was little or no complaint against the plan.

Provisional Governor Parsons soon issued a proclamation calling on the properly qualified voters to elect delegates to a convention which should have authority to put in operation a State government based on the results of the war. He also announced certain regulations by which the people should be governed until the convention could meet and accomplish its task. All laws in force before the attempt at secession which were in accord with the Constitution of the United States were declared to be still in force ; but the slave code was declared no longer binding. State officers considered loyal to the United States were to hold their places until successors should be appointed.

The proclamation was well received, the election was held, the convention assembled at Montgomery in September, and in good faith set about its work. The venerable Benjamin Fitzpatrick was its presiding officer.

It proceeded to make such changes in the State constitution as were necessary to carry out the President's plan. Slavery was abolished ; the Confederate debt was repudiated ; the ordinance of secession was declared null and void ; and all the other acts of the secession convention held to be in conflict with the Constitution of the United States were an-

nulled. The State constitution as thus altered is known as the "Constitution of 1865."

Provision was made for a State election in November, and at this election Robert M. Patton, of Lauderdale, was chosen governor by a good plurality over Michael J. Bulger, of Tallapoosa, and William R. Smith, of Tuscaloosa. The total of votes cast was less than half the total in the presidential election in 1860.

The legislature met promptly and ratified the thirteenth amendment to the United States Constitution, after which Governor Patton was inaugurated. Governor Parsons and George S. Houston were elected United States Senators, but were not allowed to take their seats.

Governor Patton was a Virginian by birth, but he had lived in northern Alabama for many years. Before the war he served the State in the legislature, and in 1861 he was president of the senate. As governor he exhibited much prudence and intelligence under circumstances that were peculiarly trying and humiliating. He found the people suffering not merely from the political results of the war, but from an actual scarcity of food. Only about one-fifth the usual crop of grain had been raised, and in his last message to the legislature Provisional Governor Parsons had estimated the number of those who were in need of food at 250,000. In his first message, Governor Patton, like Governor Parsons, called for help. Through charity, and by the efforts of the State and Federal governments, much was done to relieve distress; but the upsetting of the whole labor system of the South made business revival very slow. As yet, it is true, *there was little or no ill feeling between the negroes and*



GOVERNOR ROBERT M. PATTON.

their former masters, but the blacks were naturally confused and excited over the change in their condition, and many of them were expecting to live without work.

Before the end of the war Congress had set up an institution called the "Freedmen's Bureau" for the general care of the newly liberated slaves. Many of the agents of the bureau were no doubt honest in their desire to help the black men fit themselves for freedom, but many were adventurers who sought only gain for themselves, and very few understood the character of the simple and trustful race they had to deal with. Besides the bureau agents, there were also in the South men who had come from different quarters to make their fortunes at the expense of the people, now apparently helpless. These men and the bureau agents were all called "carpet-baggers." The carpet-baggers were not officers of the regular army; on the contrary, Union soldiers were now often found protecting their former foemen, whom they respected, from the men who preyed upon them.

The carpet-baggers found it to their interest to set the negroes against the whites. They persuaded some of the negroes that land and mules would be given to them. The consequence was that many freedmen refused to do any work whatever and became idle and mischievous.

This added greatly to the troubles of the men who were trying to put the country on its feet. The legislature proceeded to enact laws concerning apprenticeship, vagrancy, and the like. Such laws were not necessary under the old slave system, but they existed in other communities; similar laws were in force in some of the Northern States. The carpet-baggers, however, said that these laws were intended to reduce the negroes to serfdom; and this view was accepted by many well-meaning people in the North, and had a strong influence on Congress. General Grant had reported to the President that the thinking people of the South accepted in good faith the results of their defeat, but Congress was ap-

parently distrustful. The representatives and senators chosen by the people and the legislatures of the South were not admitted to their seats, and it was soon apparent that Congress was not going to accept President Johnson's plan of restoring the State governments.

The people of Alabama were kept waiting during the year 1866 to see what sort of government they were going to have. Meantime, however, a new amendment to the Constitution (the fourteenth), giving the negroes the right to vote and to hold public office, was proposed. The Alabama legislature rejected this amendment, but about the same time it asserted in the strongest terms the loyalty of Alabama to the Union. Among its other acts during this year were a new penal code, laws for the relief of debtors, and laws providing for the sale of bonds, in order to pay the interest on the old debt and thus restore the State's credit. A code of all the laws, begun some years earlier, was completed by Chief Justice Walker. The Supreme Court had been reconstituted, with A. J. Walker, W. M. Byrd, and T. J. Judge as justices. The right to testify in certain classes of cases was conferred upon the negroes.

A special census was taken in 1866, and the returns were not encouraging. They showed that the number of white males had decreased several thousands since 1860, and that the black males had also slightly decreased. They also showed that the negroes were leaving the country districts in large numbers and flocking to the towns, where there was little good work for them to do. The year's crop was again *short*, and there was still much distress. Vexed and dis-



JUDGE A. J. WALKER.

couraged at home, the people anxiously waited for Congress to declare its policy.

Congress finally set forth its plan in March, 1867. Two acts, called the Reconstruction Acts, were passed, and they justified the worst fears of the people. The State itself was practically wiped off the map. Alabama was made part of a military district, under a general of the army, who was empowered to remove State officers and set up military courts instead of the ordinary civil courts.

Under this military rule Alabama was to remain until she had gone through a long process of reconstruction; until a new State convention should form a new constitution, with various provisions carrying out the will of Congress—among them, one conferring on the freedmen the right to vote; and until a legislature chosen under the new constitution should ratify the Fourteenth Amendment. At the end of this process Alabama might be readmitted to the Union. Presidents Lincoln and Johnson were of opin-



JUDGE W. M. BYRD.

ion that Alabama had never been out of the Union, since, according to their view, a State could not secede, but Congress apparently thought that in some way Alabama had ceased to be a State, though Congress also did not believe in secession.

When General John Pope was put in command of the military district that included Alabama, the authority of Governor Patton practically ceased, although he was nominally governor a year longer, and even held the title for some months after the end of the term for which he had been elected. The State was now entering upon the gloomiest

period of her history ; her people were to be humbled as they had never been humbled before.

Although the government set up in accordance with the President's plan was discredited and destroyed, some of its acts had permanent results. These were the acts by which it established ten new counties. In 1865, Crenshaw was formed and named for Anderson Crenshaw, one of the early justices of the Supreme Court. In 1866, Bullock, Clay, Cleburne, Elmore, Baine, and Lee were formed. The first was named for Colonel Edward C. Bullock, of Barbour, who died in the Confederate service during the first year of the war ; the second was named for Henry Clay, the great Kentuckian, and its county seat for Ashland, his home ; the third was named for General Pat Cleburne, who fell at Franklin ; the fourth was named for General John A. Elmore, an early settler ; the fifth, which was named for General D. W. Baine, of Lowndes, was abolished soon afterwards, but was reestablished in 1868 under its present name, Etowa, a word of Indian origin ; and the sixth was named for Robert Edward Lee, the great Confederate soldier. In 1867, Colbert, Hale, and Jones were set up. The first of these took its name from two Chickasaw half-breeds, George and Levi Colbert, who once lived in that region ; the second from Colonel Stephen F. Hale, of Greene. The name of the third was in 1868 changed to Sanford, and in 1877 to Lamar, in honor of Justice L. Q. C. Lamar, of Mississippi.

QUESTIONS.

What was the condition of Alabama at the end of the war? In what way was slavery abolished? Outline President Johnson's plan for restoring Alabama to its place in the Union. What steps were taken by Governor Parsons? How was the convention of 1865 chosen? What were its principal acts? What was the result of the State election of 1865? What is said of Governor Patton? What is said of the "Freedmen's Bureau"? Of the "carpet-baggers"? Mention some acts of the legislature in 1866. What was done about the Supreme Court? What did the census show? Outline the congressional plan of reconstruction.



CHAPTER XXXIII.

ALABAMA RECONSTRUCTED—ADMINISTRATION OF GOVERNOR SMITH.

THE first day of April, 1867, Major-General John Pope, of the United States army, was in command of the military district which included Alabama, Georgia, and Florida. Under him, General Wager Swayne took command of the forces in Alabama. From that time all civil officers held their places only at the pleasure of the military authorities, who had full power to carry out the congressional plan of reconstructing or rebuilding the government of Alabama preparatory to her readmission into the Union.

It was an essential feature of the plan that the negroes should have a right to vote when the time came to choose delegates to the State convention, while, on the other hand, many white men were to be disfranchised for taking part in the secession movement. In the spring of 1867, the negroes began to show, by holding conventions and in other ways, that they were sensible of their new power. At first they showed a disposition to coöperate in a friendly way with their former masters, but very soon the evil influence of the adventurers who had overrun the State began to appear. Now for the first time bitterness of feeling between the two races expressed itself in speech and action. The carpet-baggers and many of the bureau agents set to work to organize the negroes into a party; it even appeared afterwards that General Swayne himself had a hand in this work. One of the subjects of complaint among the negroes was the way they were treated on railroad trains and in other public places.

The ill feeling was displayed at a public meeting at Mobile, where there was a riot and two men were killed. On account of this, the mayor and other city officials were removed by the commanding general.

This, however, was only one of many instances in which the civil authorities were made to feel the superiority of the military. The carpet-baggers were constantly active, and at last they established a "Black Man's party," in alliance with the Republican party of the North. Many of the negroes joined an association called the "Union League of America," guided and controlled by the carpet-baggers. Meanwhile, the great bulk of the intelligent men of the State were undecided as to the best course for them to take.

The work of registering voters was done by men appointed by the commanding general. They were all in sympathy with the political party in power at the North, and there was much complaint of unfairness. When they completed their task in August, it appeared that there were about 88,000 blacks on the lists and about 72,000 whites. General Pope named October 1 as the day of the election. On September 4, a number of intelligent white men met at Montgomery, appealed to the blacks against the strangers who had been stirring up strife between the races, and made an attempt to get a few conservative men elected to the convention. The leader in this movement was James H. Clanton, a Confederate general, who before the war had been a firm friend of the Union. He may, perhaps, be fairly considered the founder of the "Conservative party," which eventually became the "Democratic and Conservative party," and finally the Democratic party of Alabama.

At the election, a majority of the voters favored holding a convention, and at the same time delegates were chosen. It proved a strange body when, on November 5, it convened at *Montgomery* to frame a constitution for Alabama. All but

four of its members were members of the new "Black Man's party," which was generally known as the "Radical" party, because it favored radical or extreme measures in dealing with the questions of the day. Seventeen were negroes, who had spent most of their lives in slavery, but were now called on to perform a duty which requires the highest skill of statesmanship. Many of the whites were men who had never set foot in the State until the end of the war. E. W. Peck, of Tuscaloosa, was the presiding officer. A constitution such as Congress desired, conferring the right of suffrage on the negroes and denying it to great numbers of the whites, was framed and submitted to the people for adoption. Among other novelties, it established the new office of lieutenant-governor. The convention also passed several ordinances which it did not submit to the people for approval. One of these exempted large classes of property from taxation.

Throughout all its proceedings, this extraordinary body conducted itself as its composition might have led any thoughtful person to expect. When it adjourned, the people were left to discover some method of escaping the misgovernment that threatened them as a result of its labors. The crops of the year had gone far to relieve the distress that had prevailed among the poorer classes since the war, but in the face of a political prospect so disheartening the mere possession of food was not enough to lift the gloom that had fallen on all who loved the State.

At the close of the year, General George G. Meade, the victor of Gettysburg, took the place of General Pope, and General Julius Hayden took the place of General Swayne. These changes were welcomed, but they did little good. The Conservatives saw that they could expect no help even from the better people of the North, because they did not know the true state of affairs in the South.

At a conference of Conservatives at Montgomery, on January 1, 1868, it was resolved, after long and earnest study

of the situation, to try to defeat the new constitution by staying away from the polls. The Reconstruction law provided that the constitution could be adopted only by a majority of all the registered voters, and it was estimated that this meant about 84,000. At the same meeting, the thirtieth of January was named as a day of fasting and prayer.

The plan succeeded. Notwithstanding that General Meade kept the polls open for five days, the total vote for the constitution was only about 70,000, and therefore he had to report that it failed of ratification. But the joy of the white people was short-lived. Congress now made a law that a majority of the votes *cast* should be deemed sufficient. Alabama was readmitted to the Union under a constitution which her people had, in a perfectly lawful manner, declined to accept. The new government, as has often been said, was "born of the bayonet." It was in every way worthy of its origin.



GOVERNOR WILLIAM H. SMITH.

Governor Patton, having the right to hold his office until his successor should be elected and qualified, was nominally governor some time after his regular term expired. William H. Smith, of Randolph, had been supported for governor by those who voted for the new constitution, but Governor Patton denied his right to the office. However, when Congress decided that the constitution should go into effect, Patton was removed and Smith was inaugurated.

The legislature, when convened in July, had a curious look. The "Black Man's party" was in control, and twenty-six of the members were negroes. Alabama, like the other Southern States, was simply turned upside down. For the first time

in America, if not in the world, the least intelligent were set to work governing States, while thousands of the most intelligent were shut out from all authority, and even from the ballot box. It was not the fault of the negroes themselves that they were thrust into this false position, and we can see now that they did no worse than should have been expected. If they had been left to themselves, the result might have been merely comical, but they were not left to themselves. They were guided by irresponsible white men, many of whom were absolutely careless of the welfare and good name of the State they governed.

Alabama was for several years subject to the worst sort of government which Americans have ever had to submit to, and many citizens, despairing of any decent government, began to leave for other States or for foreign countries. Those who remained were forced to stand helpless for a time, while strange white men parcelled out among themselves the posts of honor, leaving to their ignorant followers only the lesser places. In 1868, six men, not one of whom had lived in Alabama before the war, were sent to represent the State in the lower house at Washington, and the two senators, Warner and Spencer, were likewise strangers to Alabama. The worst effects of misrule, however, were at home. Three new justices were placed on the bench of the Supreme Court, and in the lower courts judges quite ignorant of law frequently made a travesty of its forms. The county and other local offices were held, quite commonly, by men unfitted for their duties by ignorance and other even less excusable causes. Meanwhile, though Congress had pronounced the work of reconstruction finished, the soldiers were not withdrawn.

The legislature set about its work with so much energy that it held three sessions in the course of the first year. A good idea of its character may be formed from the fact that many of its measures failed to accomplish their objects because of mistakes in spelling. However, sufficient damage



was accomplished by those which found a place on the statute book. Perhaps the worst of all were those which had the effect of destroying the credit of the State. The new auditor had found the debt about eight millions. Within a year or two the total had risen to an enormous amount. Much money was wasted, and some stolen. The chief beneficiaries were the promoters of railroads.

A law was passed providing for State endorsement of railroad bonds at the rate of sixteen thousand dollars for every mile of track constructed in the State. Within a year, nearly three millions of bonds were so endorsed. Then the policy of issuing bonds to aid special lines was adopted, and millions more were added to the sums for which the credit of the State was pledged. Among the roads to which aid was extended were the long-projected line to connect the northern and southern portions of the State, which was called the South and North; the Alabama and Chattanooga; the Montgomery and Selma; the Montgomery and Mobile; and some others which were in the end completed. There were, however, several companies which only did enough to secure the aid so lavishly extended, and in several cases it was claimed that this was greater than the amount needed to pay all the expenses of construction. Another example of recklessness was the incorporation of a company to improve the navigation of the Coosa; it was to receive a large bonus from the State and was allowed four years to begin its work.

An important enterprise of this administration was an attempt to annex to Alabama the part of Florida lying west of the Chattahoochee and Appalachian rivers. The plan received the approval of the Florida legislature and of the people of the region involved. It was postponed, however, and finally abandoned.

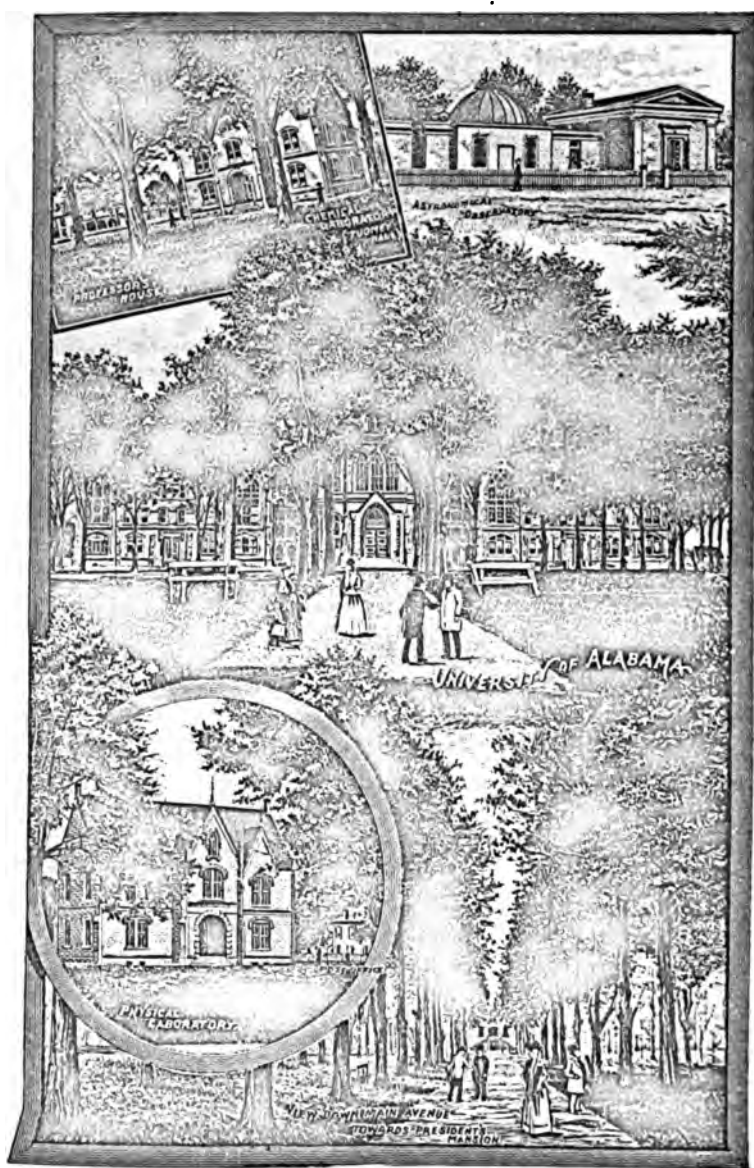
The restlessness of the white people of Alabama under their incompetent rulers was manifested in various ways, and furnished an excuse for keeping troops in the State. Some

disorder at Mobile, which was considered a Conservative stronghold, was made the pretext of an astonishing piece of legislation by which the government of the city was entirely overturned. Shortly afterwards it was discovered that the wording of the bill had been changed by an unknown hand. Such occurrences were common enough in those days.

As to the general condition of the people, some improvement might be noted, but the political ills which they suffered did not permit of a rapid recovery from the effects of the war. Large appropriations were made to support the public schools, but the funds were unwisely, and in some cases dishonestly, administered. The opposition of the whites to mixed schools was another obstacle in the way of educational progress under the Reconstruction government. Some progress had been made in Governor Patton's administration towards the restoring of the University. Steps were taken in 1866 for replacing the buildings. The plans of Colonel J. T. Murfee, commandant of the University Cadets, were adopted, and he was appointed superintendent of the work. With other State institutions, the University came under the control of the "carpet-bag" government. After several able educators had declined the presidency, William R. Smith became president, but only about thirty students were enrolled during the session.

Growing cotton remained, as before the war, the chief industry of the State, and the planters were winning some success, notwithstanding the changed conditions of labor and the heavy internal revenue tax on their product. Several conventions were held to encourage immigration, and the development of railroads led to a hope that the plans which had been made in the fifties for developing the great mineral resources of the upper counties might soon be carried out. It was felt, however, that prosperity could not return until better government should prevail.

The Conservative party had not given up the fight, and



it was not without encouragement. In the presidential election of 1868, the Republican majority was only a few thousands. In the congressional elections of the next year the Conservatives, now in alliance with the Democrats of the Northern States, elected two of their candidates. In the autumn of 1870, when the time came to choose successors to Governor Smith and his associates, they took the name "Democratic and Conservative party," and won in a hard-fought struggle. Robert B. Lindsay, of Colbert, was chosen governor, and Edward H. Moren, of Bibb, lieutenant-governor. The Democrats also chose a majority of the lower house of the legislature, but in the senate they had no chance. The Constitution provided that one-half the senators elected in 1868 should hold for two years, and the other half for four, but the senators refused to draw lots for long and short terms. So all of them stayed in office.

Three new counties were formed in 1868. The first was made up of portions taken from Autauga, Bibb, Perry, and Shelby; it was first called Baker, but the name has since been changed to Chilton, in honor of a distinguished Alabama jurist, Judge W. P. Chilton. The other two were Escambia, named for the river which flows through it, and Geneva, named for its chief town, which became the county seat.

QUESTIONS.

What was the relation of the civil to the military authorities in Alabama at the beginning of April, 1867? What effect had the reconstruction policy on the relations between whites and blacks? What can you say of the following: Mobile riot; "Black Man's party"; Union League; Conservative party? Tell about some of the things the constitutional convention of 1867 did. What was the Conservative plan for defeating the constitution? What was the result of it? What is said of Alabama's representatives at Washington? Of the courts and local offices? Of the legislature? What laws were passed in regard to railroads? What is said of education? What was the result of the elections in 1868, 1869, 1870? What new counties were formed?

CHAPTER XXXIV.

ADMINISTRATIONS OF GOVERNORS LINDSAY AND LEWIS.



GOVERNOR ROBERT B. LINDSAY.

GOVERNOR ROBERT BURNS LINDSAY was born in Scotland, and was educated at the ancient University of St. Andrews. At the age of eighteen he emigrated to America. He made his home first in North Carolina, and finally at Tuscumbia, in Northern Alabama. Here he was for some years a teacher, and afterwards a successful lawyer. During the fifties he served in both houses of the legislature, and in 1860 he was

prominent as a Douglas Democrat. He was an accomplished gentleman and a scholar, but he was better fitted to adorn society in quiet times than to take the lead in such times as were now at hand.

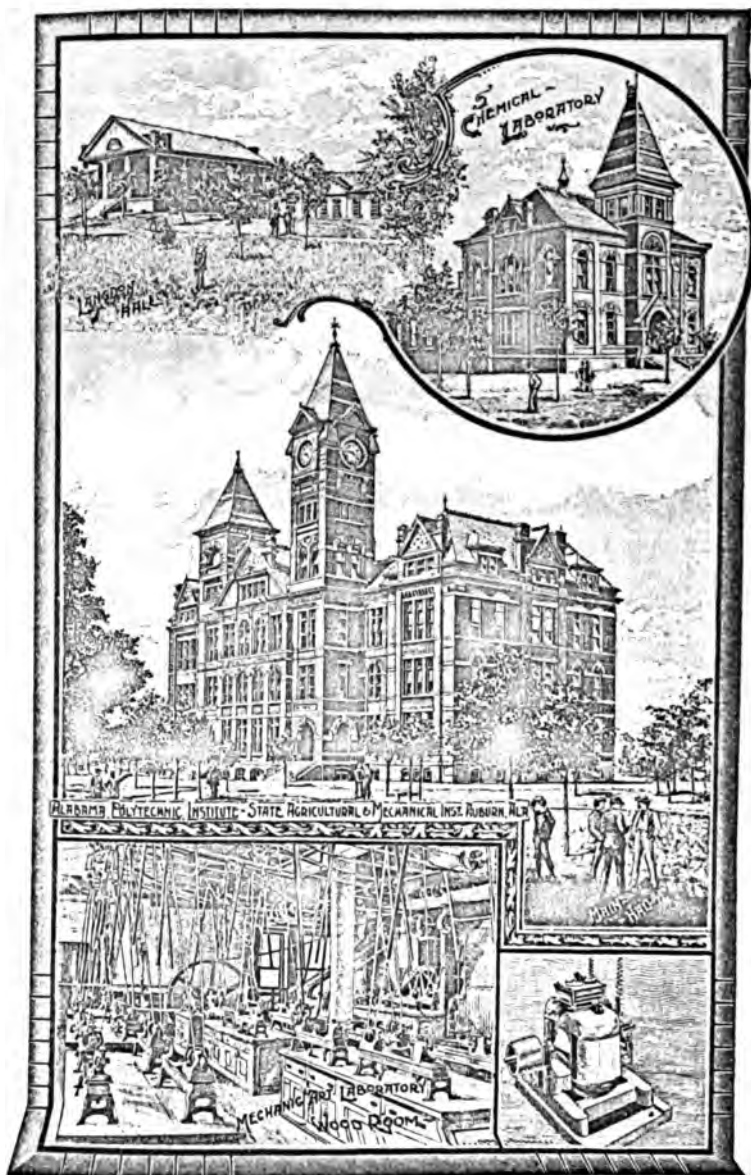
He had a stormy introduction to his duties. Smith refused to give up the governor's office, claiming that he, and not Lindsay, had been elected. He called to his aid a body of United States troops, and also secured an injunction from a judge to prevent the president of the senate, whose duty it was to declare the result of the election, from doing his duty; but Lieutenant-Governor Moren, having been sworn in and having taken his seat as president of the senate, at once declared Lindsay elected, and the latter took the oath of office. Smith then barricaded the executive office and

held out for some days longer under the protection of the troops. Finally, seeing the hopelessness of further resistance to the popular will, he yielded, and Governor Lindsay was permitted to take his place at the head of the government. But the senate was still Republican.

The worst of the troubles left to the new administration had come about through the acts of the Reconstruction legislature making the State responsible for railroad bonds. The Alabama and Chattanooga Railroad failed to make the payment on its bonds which was due in January, 1871, and the bondholders accordingly turned to the State. The governor at once took steps to seize the railroad's property in order that the State might be secured against loss, employing as counsel the resolute General Clanton. There was some difficulty because of the interest of other States in the road, but in the end it was seized and operated by Alabama. In this case General Clanton rendered his last services to the State. While attending court at Knoxville, in the autumn of 1871, he was killed by David M. Nelson, who had been a Union officer. The funeral of Clanton was marked by extraordinary demonstrations of popular grief. The county seat of the new county of Chilton was named for him.

By the end of the year the State was responsible for railroad bonds to the amount of \$15,000,000. The Alabama and Chattanooga and the Montgomery and Eufaula were completed. The South and North had been pushed to the neighborhood of Elyton. The number of miles of railway in the entire State at this time was about 1,500.

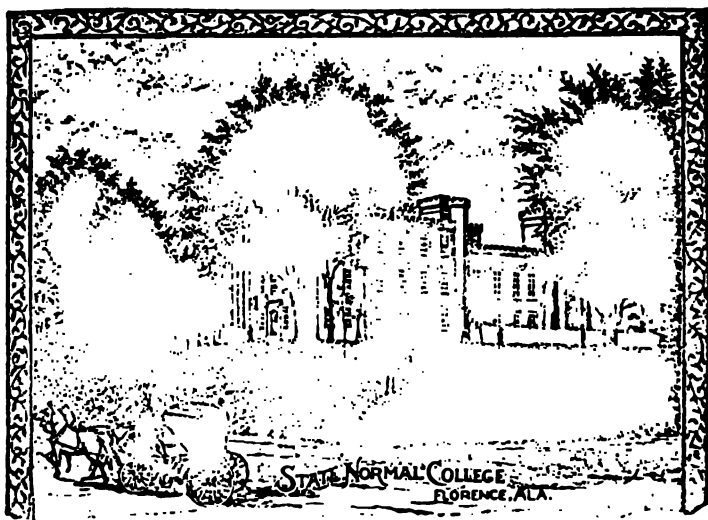
As yet, however, no great prosperity had resulted from all this State aid to corporations. The white people, owning nearly all the property, felt that they would have to bear the cost, and their discontent increased. The leaders of the Radical party were all the time circulating stories of lawless deeds by the Democrats, and in this way were discouraging Northern capitalists from making investments. The object



of the carpet-baggers was to keep their hold on the State by the help of the Federal authorities and to prevent the withdrawal of the troops. In this endeavor they were aided by occasional riots. Lawless deeds were usually attributed to a secret organization known as the "Ku Klux Klan," which by various rather comical tricks and occasionally by sterner measures worked on the superstitious feeling of the negroes wherever they showed a disposition to make trouble. We shall probably never know who were the leaders of the "Ku Klux," but the object of the organization was doubtless to keep the negroes in order and to overthrow the carpet-baggers. Whenever anything mysterious occurred, the "Klan" was thought to be at the bottom of it, and Congress was sure to hear about it. Finally, Congress appointed a committee to investigate the matter, and some of the members of the committee came to Alabama, while others visited other parts of the South. A mass of testimony was taken, but it led to no very definite conclusions.

An important gift was received by Alabama in the year 1871. Congress had given a large tract of public lands to the several States for the purpose of setting up agricultural colleges, and from the sale of Alabama's share \$216,000 was obtained. It was first proposed to make the new institution a part of the University, but this idea was soon given up, and in 1871 the Agricultural and Mechanical College was established at Auburn. The first building occupied was the gift of the Methodist Church. The government of the institution was committed to a board of trustees, in which each congressional district was represented. The president and faculty were well chosen. The income of the college has been increased by grants from the State and by the "Hatch" law, enacted by Congress in 1887, which made Auburn the seat of an agricultural experiment station. The success of the "A. and M.," as it is commonly called, has been marked. Its name is now the Alabama Polytechnic Institute.

In general, however, the educational interests of the State were not advancing at this time. The expenditures for common schools under the Reconstruction government were not bringing adequate results. At the end of Governor Lindsay's second year in office, there was a considerable debt, which had to be paid out of the next year's income. A normal school for whites was established by the legislature



in 1871, and was located at Florence, and four normal schools for negroes were to be located respectively at Montgomery, Huntsville, Marion, and Sparta. The University was reopened at Tuscaloosa in the autumn, and the celebrated scientist, Matthew F. Maury, was chosen president. He accepted the office, but soon afterwards, feeling that he was not likely to be sustained by the men in control of the institution, he resigned. Professor N. T. Lupton was for a year or two at the head of the faculty.

The Democratic convention which met in 1872 failed to renominate Governor Lindsay, probably for the reason that he had not displayed quite the firmness which the times demanded. Instead, they nominated Thomas H. Herndon, of Mobile, who was in favor of a more vigorous policy. Lieutenant-Governor Moren was renominated. In the election which followed, the Republicans were successful. General Grant, their candidate for President, had a majority of nearly 11,000 in the State, and five of the eight seats in Congress, to which Alabama was now entitled, were filled by Republicans. D. P. Lewis was chosen governor, and Alexander McKinstry lieutenant-governor. The year before, the Democrats in the legislature had chosen George Goldthwaite to be United States Senator, but ill health prevented him from giving to the State and the country the full benefit of his great abilities.

The legislature elected in 1872 had to choose a successor to George E. Spencer, and on the face of the returns the Democrats had a majority of both houses. They proceeded to organize as usual in the Capitol, counted the votes for State officers, and announced the election of Lewis and his associates. Meanwhile the Republican members had got together in the court-house, and with them were several candidates who claimed to have been elected instead of Democrats who received certificates from the election officers.

The two bodies were called respectively the "Capitol legislature" and the "Court-House legislature." Governor Lewis had no sooner got into office than he recognized the irregular court-house assembly, to which he sent a message. When the Capitol legislature persisted in standing on its rights, he called in the troops to his aid. He then asked the attorney-general of the United States to outline a plan of compromise, and this plan the Democrats, under the strong persuasion of the troops encamped on a vacant lot adjoining the Capitol, felt themselves obliged to accept. The compromise was of such a

nature that the Democrats lost their majority in the legislature. Another term in the Federal Senate was given to Spencer, and Alabama was once more in the power of the "Black Man's party." A witty old judge about this time said to a young man who asked his opinion on the advisability of studying constitutional law: "My friend, I advise you to study all the unconstitutional law you can find."

The State had endorsed railroad bonds to the amount of over \$17,000,000. The Alabama and Chattanooga was in the hands of a receiver, and the State was trying to get it sold out. But the men who had wrecked the credit of Alabama now found a difficulty in running up any more debts. They learned at last that a nation or a State when it wishes to borrow money is dependent on those who have it to lend. People will not lend to a State unless they have good reason to believe that their principal and interest will be paid in money just as good as their own. Alabama was not regarded as an honest State under its new rulers, and that was the reason why Governor Lewis had to tell the legislature that he could sell no bonds except on ruinous terms. Moreover, in 1873 there was a financial panic which was general throughout the country, but particularly distressing in the South, whose people had only begun to recover from the effects of the war. Several Southern cities were scourged with yellow fever. Many of the bravest and truest men of Alabama were now near the point of despairing. It is estimated that the number of emigrants from the State exceeded the losses in battle during the war time.

But the year 1874, a good year for Alabamians to remember, brought evidence that the honest people of the North were at last beginning to understand the true situation in the South. The Democratic party, protesting against any further persecution of those who had been Confederates, but who were now striving for their rights as citizens of the United States, swept the North in the congressional elections.

The Democrats of Alabama chose as their leader George S. Houston, a man who in wisdom and honesty must take rank with the very foremost of all who have held public office in the State. Their organization was perfect and their



JUDGE ROBERT C. BRICKELL.

shrewdest leaders were in command. Walter S. Bragg was at the head of their State Committee. The opposition tried every trick they could think of. The old cry against the "Ku Klux" was raised again. An appropriation was obtained from Congress on the plea that the Alabama rivers were in a state of overflow, and the money was expended to influence votes in towns which, as one writer says, "had not been under water since the days of Noah's Ark."

But the carpet-bagger's day was over. The Democrats elected a majority of both houses of the legislature, and all but two candidates on their State ticket were successful by more than 10,000 majority. Three lawyers of marked ability and high character, Robert C. Brickell, Thomas J. Judge, and Amos R. Manning, were elected to places on the bench of the Supreme Court. No one who witnessed the scenes of joy that followed the election will ever forget them.

QUESTIONS.

What is said of Governor Lindsay? Describe the struggle through which he entered his office. What was done about the railroads? What was the policy of the carpet-baggers? What is said of the "Ku Klux"? How was the Agricultural and Mechanical College founded? What is said of education at this time? Describe the political changes of 1872. Tell the story of the rival legislatures. What was the result of the effort to aid the railroads? Describe the election of 1874.

CHAPTER XXXV.

ADMINISTRATION OF GOVERNOR HOUSTON.



GOVERNOR GEORGE S. HOUSTON.

GEORGE SMITH HOUSTON was born in Tennessee in 1809, and was brought to Alabama in his childhood. He first won distinction as a lawyer. In 1841 he entered Congress, and with the exception of one term he served continuously until Alabama withdrew from the Union. In Congress he was at one time chairman of the committee on ways and means, and at another time chairman of the committee on the judiciary—the two most important of the congressional committees. He was a Unionist, and opposed secession to the last, but in the gloomy times of defeat he cast in his lot with his own people, and never stooped to reproach them with the results of their course. Lieutenant-Governor Ligon, of Macon, was a lawyer who had done good service in the legislature.

The men who now came into power in Alabama knew that they were in office as a result of something more than a party triumph. It had come to be a question whether ignorant colored men, led by strangers, or the white men who had always lived in Alabama, should rule the State. Governor Houston and his associates set to work very gravely and earnestly to undo the mischief that had been done by their opponents and to the end that Alabama might regain her old



standing among the States and that her people might once more take heart and lift up their heads. It was no easy task they had before them.

The debt was the first thing they had to consider. An investigation showed that the total debt of the State, including the endorsed railroad bonds, was over twenty-five millions of dollars. It also showed that public funds had been handled in a criminal way, and that it was almost impossible to find out what sums the State owed justly and what sums were unjustly charged against her. The legislature, following the plan adopted when the State Bank failed, empowered a commission to look into the whole matter and report. The members of this commission were Governor Houston, Levi W. Lawler, of Talladega, and T. B. Bethea, of Montgomery. The young reader who likes to think of the soldier as the type of a patriot will have to be reminded again that the credit of a State in modern times is its very life-blood in order for him to understand that the work these men had to do was quite as important as the fighting of a battle for Alabama.

It was a year before the commission made its report. It then made a complete and careful statement of the facts, and proposed a plan of settlement. The main fact was that the State was bankrupt: the debt was too much for the people to bear at the prevailing rates of interest, as only two of the railroads which the State had helped were paying interest on the bonds for which the State was responsible. It was also made clear that a large part of the debt was due to corrupt office-holders. The plan of settlement included the scaling down of some claims against the State and the refusal to pay others. It was recommended that the State issue new bonds, bearing a reasonable rate of interest, instead of those bearing an unreasonable rate. As to the railroads which had failed to meet their payments of interest, it was recommended that the State, which held a first mortgage on their property,

should turn this over to their creditors as a full satisfaction of their claims. The Alabama and Chattanooga road was sold at public outcry in October, 1876, under an order of a United States court, the rights of the State being reserved. Alabama was now ready to give up her experiment with railroads, as she had long ago quit experimenting with banks.

The legislature adopted the recommendations of the commission and gave it authority to carry out its own plan. The work was faithfully performed, but it was many years before it could be finished. The final result was that the State's bonds rose and rose until they sold at and above par. Alabama thus regained her reputation for ability and willingness to pay her debts. The interest on her bonds has been paid promptly ever since the settlement was made, and the principal has been reduced from time to time.

A similar plan was adopted by the various counties and cities which had been bankrupted by their Reconstruction rulers. The misgovernment of these smaller communities had been even worse than the misgovernment of the State.

The second of the tasks which Governor Houston and his party undertook was no lighter than the first, but it was accomplished more quickly. The constitution of 1868, framed by men who did not properly represent the people of Alabama, was not satisfactory. The legislature accordingly submitted to popular vote the question whether or not another constitutional convention should be held. At the same time, the polls were opened for the choice of delegates in case it should appear that a majority favored the holding of a convention. The election was held August 3, 1875, and the people decided to have a convention. Of the delegates chosen, eighty were Democrats, and among them were many of the foremost citizens of the State. The convention met at Montgomery early in September, 1875, and completed its work in less than a month. The result was the present constitution of Alabama.

As we have already examined the first Alabama constitution, and as that model was always before the convention, it will not be necessary to go through all the clauses of the new constitution. There were, however, some important changes, for Alabama had learned some lessons since 1819.

The clause in the constitution of 1865 abolishing slavery was repeated. So was the declaration in the constitution of 1868 that "no State has a right to withdraw from the Union," and so was the provision that no man should be deprived of his right to vote on account of his race, his color, or the fact that he had been a slave. These clauses together may be taken as the final statement of the results of the war in Alabama.

In the part of the constitution which relates to the making of laws, there were also some new clauses of importance. It was provided that the legislature should meet every two years; that no session, after the first under the new constitution, should last longer than fifty days; and that members should not be paid more than four dollars a day.

In that portion of the constitution which relates to the execution of the laws, the principal change was the omission of the lieutenant-governor from the list of officers. It was provided that the president of the Senate should discharge the governor's duties in case of his death, resignation, or inability to serve.

The constitution as a whole was adopted by the convention with but two dissenting votes. November 16, 1875, it was submitted to a vote of the people and was adopted by an overwhelming majority. It went into effect December 6.

And now, with her civil institutions in the hands of those best fitted to manage them, Alabama entered upon the year 1876, the centennial year of American independence. The legislature provided for an exhibit of the State's resources at the Centennial Exposition at Philadelphia. John T. Milner, whom we saw as a young man in the fifties surveying the

route of the South and North Railroad, was wisely placed at the head of the commission in charge of the exhibit. Alabama was now a part of the Union in a sense in which it never had been before, for now the great difference in institutions, which had kept the South and North apart, no longer existed.

At the election in August, 1876, Governor Houston had an easy victory over his opponent, Woodruff. At the presidential election in November, Alabama went for Tilden and Hendricks, the Democratic candidates for President and Vice-President, respectively; but these men, who stood for a kindly policy toward the South, were deprived of the high offices to which they claimed to have been fairly elected. However, Rutherford B. Hayes, who was seated as President, finally withdrew the Federal troops from Alabama.

Governor Houston's second term was mainly occupied with the work begun in his first. The legislature, during the session of 1876-77, gave much of its attention to the educational system which the new constitution required it to organize. To sustain the common schools of the State, all the funds derived from the "school lands" given by Congress, from escheats, and from poll taxes were turned over to the proper authorities. In addition, the legislature decided to make a yearly grant of \$130,000. Separate schools were provided for whites and blacks, and the cities were allowed to manage their own schools. Soon there were better results than had come from the liberal but unwise expenditures of the carpet-baggers.

Meanwhile, the higher institutions were not neglected. By the constitution of 1875, the affairs of the State University were committed to a board of trustees nominated by the governor and confirmed by the Senate. In 1878, William R. Smith, who had been president for several years, was succeeded by General Josiah Gorgas, a man of the highest reputation, whose appointment at once inspired confidence in the

institution. Failing health, however, led to his resignation the next year. The normal school for whites at Florence was growing in strength, and the normal schools for blacks at Marion and Huntsville made rapid progress.

Politics had now ceased to have the first place in the thoughts of the people. Under the provisions of the new constitution, there was no election in 1877. The next year, the Republicans made no nominations at all, and the Democratic candidate for governor, Rufus W. Cobb, of Shelby, was elected without opposition. Shortly afterwards, the legislature chose Governor Houston to succeed Spencer in the United States Senate. John T. Morgan, of Dallas, had already gone to take the place of the lamented Goldthwaite, and Alabama had now two representatives in the Senate who were considered by many her two foremost public men. In the lower house of Congress she was represented by a solid Democratic delegation which included men of high ability.

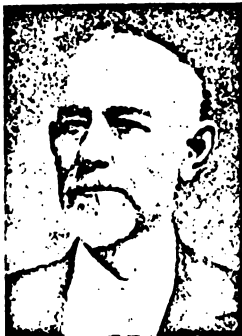
One new county was established in the northern part of the State in the year 1877. Both the county and the county seat were named for Colonel John G. Cullman, a German, who had led into the wilderness along the line of the South and North Railroad a colony of his countrymen. The coming of these immigrants and the founding of a town in this region marked a great change that was taking place in northern and central Alabama. We can now turn from the tiresome details of politics to find out what the change was, and how it came about.

QUESTIONS.

What is said of Governor Houston? What did the administration and the legislature do about the debt? Describe the work of the constitutional convention under these heads: Secession and slavery; the legislative department; the executive; the suffrage. What is said of the centennial year? Describe the election of 1876. What was done for education during this administration? What were the political changes of the year 1878? What new county was established in this administration, and by whom was it settled?

CHAPTER XXXVI.

ADMINISTRATION OF GOVERNOR COBB.



GOVERNOR RUFUS W. COBB.

GOVERNOR COBB was a native Alabamian of good Virginian descent. His reputation as a public man was due chiefly to his good sense, the moderation of his views, and his integrity. These qualities had made him a successful lawyer, a good soldier, and a useful member of the legislature. He was the sort of governor who finds his best opportunity in the careful discharge of every duty of his office rather than in any brilliant performance.

He held the place at a time when the people were content to leave well enough alone in politics while they gave their energies to business.

Perhaps the best way for us to realize the change that was now coming over Alabama is to fix our minds on the change that has come within the last quarter of a century over a few square miles in a certain valley a little to the northward of the centre of the State. A traveller in the beginning of the seventies might have found the journey to this particular spot somewhat tiresome. He could reach it only over ordinary country roads, and when he arrived he found only fields of reddish clay, of an appearance not very agreeable. The little village of Elyton, a few miles away, was by no means imposing. The inhabitants of the region, though mainly of good

stock, were not very wealthy, and the county, Jefferson, did not rank high in population. The main industry was farming.

To-day the traveller can approach this point over any one of half a dozen trunk railroads. If he come by day, clouds of smoke will tell him when he is approaching his journey's end ; if by night, he will see the whole region lighted up by the fires of many furnaces. He will find himself passing through important suburban towns before he leaves his train, and then he will find himself in the centre of the most important industrial community of the State, itself the centre of industrial enterprises far surpassing any that were ever attempted in the Alabama which we have been studying. If such a traveller were an Alabamian who had been absent from the State since Reconstruction times, he might very well question whether he had got back to Alabama at all. His doubts would begin to disappear as he recognized on the streets of the now city the faces of men who in the old days were leading citizens of other communities in the State and in neighboring States, but he would again be puzzled at finding among them many Northern men, not distrusted as carpet-baggers, but esteemed and honored as loyal and public-spirited members of society, in thorough sympathy with the people among whom they live.

Our traveller's surprise would be natural enough, but Sir Charles Lyell, the great English geologist, who travelled in this region away back in the forties, would not have been surprised if he had lived to see the change. His trained eye had seen the future Birmingham in the ugly red hills that looked down on Jones's valley, for those hills were full of iron ore, and coal and limestone were also at hand. Perhaps the Civil War really delayed the development that was sure to come ; but many have thought that only free labor could take full advantage of the opportunity which the early settlers of Alabama neglected when they passed over these

hills and sought the fairer lands to the southward and westward. As a matter of fact, the beginning of Birmingham was the crossing of two important railroad lines, the South and North and the Alabama and Chattanooga, in the neighborhood of Elyton. John T. Milner, of the South and North, was one of the first to see the importance of the point, and the managers of both lines soon realized it. So also did Josiah Morris, a banker of Montgomery, and James R. Powell, a planter of the Yazoo country; but to mention these names would be unjust if we should thereby seem to neglect the share which other men had in building up the city. The projector of the Alabama and Chattanooga road, J. C. Stanton, was himself mindful of the possibilities of the red hills. The energies of many men from many quarters were brought to bear.

When the Elyton Land Company was formed, with the express purpose of founding a city at the junction of the two roads, Josiah Morris was its chief financial support and Powell was its president and had most of the active work to do until the movement passed beyond the control of the company. For some years Powell was at the head of the young community, and he displayed tireless industry and much intelligence. Even before the junction of the two railroads, he had successfully carried through a public sale of lands. The legislature granted a city charter to Birmingham in 1871. By the summer of 1873 it was estimated that 2,500 people were assembled in the hastily built houses of the new city.

But that year the enterprise got a crushing blow. First there was an epidemic of cholera, then a financial panic. The company seemed on the verge of collapse, and it was six years before the earlier hopes of its founders revived.

In 1879, however, the Pratt mines were opened a few miles to the westward, and the Alice furnace went into blast. Thousands of Alabamians left the plantations to seek

their fortunes in the mines, the mills, and the factories of the region which for so many years they had neglected. Birmingham, growing in importance itself, became the representative of a movement far more important. The country around it became the seat of new enterprises, which led to the building of new towns and cities. Other places where coal and iron abounded were visited by capitalists, and other old fields were laid out on the lines of cities. In some cases these enterprises ended in failure and disappointment, but in others the results were good and lasting. The Tylers and Nobles at Anniston may almost contend with the founders of Birmingham for the credit of being first in the general movement. Enterprising men from the Northern States and from other countries were soon attracted. The older towns and cities began to feel the effect and to take their own prospects of growth into serious consideration. The whole State seemed to have caught the spirit of progress, and a new hopefulness lifted up the people.

For a while, in fact, there was a speculative craze like that which prevailed in the "flush times" just before the failure of the State Bank. But after all, it is hard to exaggerate the importance of what has actually been done since the people turned their attention to the mineral resources of the State. It can never again be the same sort of State that went out of the Union and came back into it. It is clear now that Alabama, though agriculture remains her chief industry, is to be a State of varied industries, so that no one occupation shall ever absorb the energy of her people or the care of her rulers. It will be a good exercise for the young reader to ask himself what effect the development of the mineral region is going to have on the habits of life, on the politics, State and national, on the minds and characters of Alabamians.

This industrial development was favored by quiet political conditions. True, the Democrats were constantly complain-

ing of the Federal office-holders in the State, and the Republicans were constantly accusing the Democrats of suppressing negro votes. But it was pretty clear now that the Democrats were in power to stay.

The legislature busied itself with taxation and other ordinary subjects. The city of Mobile demanded considerable attention. It had fallen so deeply in debt that the city government gave up the attempt to set its affairs in order, and the legislature accordingly repealed its charter. Mobile in consequence ceased to be a city and was known simply as a port. It was at this time feeling the effect of the competition of New Orleans, as it had many years before, in the days of French rule along the coast of the Gulf. In the year 1878, it suffered from yellow fever, which at the same time attacked several other cities in the State. In later years, however, Mobile, with an improved harbor, has regained its standing as an important commercial and financial centre.

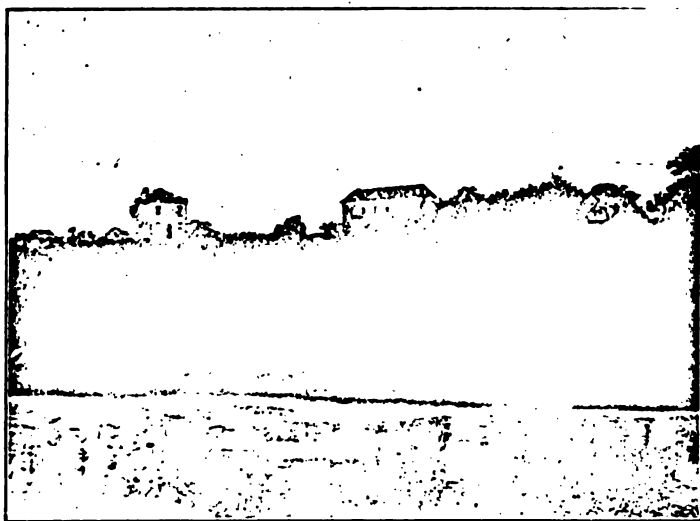
Mobile's financial condition in 1879 was by no means like the condition of the State at large. That year, in the process of refunding the debt, the legislature authorized the issue of bonds to the extent of a million dollars. Financiers in Boston offered a premium for the entire issue. An offer was also received from Alabamians at a higher premium. The result was that the legislature decided to offer the bonds at a lower rate of interest.

At the election in 1880, Governor Cobb was again the candidate of the Democrats. The Republicans made no nominations, and the only opposition came from a new party called the "Greenbackers," which favored the issue of more



JAMES L. FUGH.

paper money by the Federal government. This party had not much strength in Alabama, and its candidate, Pickens, was defeated by a great majority. At the Presidential election in November, Hancock and English, the Democratic candidates, carried the State by a good majority, but Garfield and Arthur, the Republican candidates, were elected. All the Congressmen chosen in Alabama were Democrats, but



From photograph.

OLD CAHABA.

General Shelley, of the fourth district, was unseated in favor of his Republican competitor. The legislature was overwhelmingly Democratic, and one of its first acts was to elect James L. Pugh, of Barbour, to fill out the unexpired term of Senator Houston, who had died before he could take his seat. The immediate successor of Senator Houston was Luke Pryor, of Limestone, who held by appointment from January, 1880, until the election of Senator Pugh.

The returns of the census of 1880 were encouraging. The

population had increased to 1,262,103, the whites outnumbering the blacks by over 62,000. Of the cities, Mobile was still first, with over 30,000 inhabitants; Montgomery was second, and Selma third. The long rivalry between Selma and the old capital, Cahaba, was now ended, and Cahaba was numbered with the dead cities while men yet lived who were alive when it was founded. The greater enterprise of its rival in securing railroads was the immediate cause of its downfall. It is said that the leading citizens of Cahaba laughed at the notion of building a railroad through the canebrake, predicting that the cars would sink in the mud.

The one distressing fact revealed by the census was that about 370,000 persons in the State above the age of ten could not read or write. Most of these were negroes. However, progress was being made in the work of education. Out of a total school population of 388,000, nearly one-half were enrolled as pupils in the public schools.

Complaint of extortion by the railroads led to the most notable legislation of Governor Cobb's second term. A commission, known as the Alabama railroad commission, was established to take such complaints into consideration and in a general way to supervise the relations between the railroads and the people. This commission is still in existence, and its members are considered important public officials. The property of the railroads was by this time assessed at more than \$16,000,000.

At a convention held in June, 1882, the Democrats nominated Edward A. O'Neal, of Lauderdale, to succeed Governor Cobb. The "Independent Greenback" party nominated James L. Sheffield, of Marshall, and the Republicans endorsed the nomination. The entire Democratic ticket was elected. Soon after the election, Judge Manning, of the Supreme Court, died, and H. M. Somerville, of Tuscaloosa, was appointed in his place. The court, in the few years since it was redeemed from the carpet-baggers, had been called on to render some

very important decisions and had made good headway toward reëstablishing its old-time reputation. It is perhaps a misfortune that the work of courts, especially when the bench is occupied by really able judges, is done so quietly that the ordinary observer, outside of the legal profession, hears little about it. If there is one department of their government which Alabamians ought to hold in especial honor, it is their judiciary.

The Congressmen chosen this year were all Democrats, but General Shelley was again unseated by the House of Representatives.

QUESTIONS.

What is said of Governor Cobb? Describe the change that has come over Jones's Valley since the early seventies. Tell the story of Birmingham's beginnings. Mention some of the leading men in the movement. What is said of the new industrial movement in general? What were the political conditions during this administration? What is said of Mobile's troubles? Describe the election of 1880. What were the principal facts revealed by the census? What is said of the cities? Describe the election of 1882. What is said of the Supreme Court?

CHAPTER XXXVII.

ADMINISTRATION OF GOVERNOR O'NEAL.



GOVERNOR EDWARD A. O'NEAL.

EDWARD ASBURY O'NEAL was a native of Madison County, Alabama, and of Irish and Huguenot French descent. He was educated at LaGrange College and studied law under Colonel James W. McClung, of Huntsville. Distinguished as a lawyer while still a young man, O'Neal won distinction also as a secessionist leader and as a soldier in the Civil War. He served in the Virginia campaigns, and at Chancellorsville commanded at the point of attack on the Federal right. Before the end of the war, he was in command of a brigade. He was reelected governor in 1884 with little opposition, and thus served four years.

The questions with which the legislature had to deal during this administration were not of an exciting nature. The assessment and collection of taxes, the tax rate, the treatment of convicts, the proper relation of the State to railroads, and similar questions were discussed. The city of Selma was deprived of its charter, as Mobile had been, and for similar causes ; but, as was also the case with Mobile, it got back its charter after a while.

In order to further the interests of the farmers, a State department of agriculture was established, headed by a com-

missioner. The governor was empowered to name the commissioner, and his choice fell on Judge Edward C. Betts, who entered with great zeal upon the duties of the new office. Among the more important of these duties was the formation of State and local associations among the farmers for purposes of instruction and consultation; the investigation of various topics in agriculture; the protection of the farmers against worthless mixtures offered for sale as fertilizers; and the encouragement of immigration. The expenses of the office have been defrayed almost completely by the license tax on commercial fertilizers.

If the work of the legislature was unexciting, another department of the government made amends, for the most sensational incident in the history of the State belongs to this administration. One of the State officers chosen on the ticket with Governor O'Neal was Isaac H. Vincent—"honest Ike Vincent," as he was often called—who had already served two terms as treasurer, but whose popularity broke in his favor the unwritten law by which State officials got only two terms of continuous service. Toward the close of January, Vincent left Montgomery, telling his family that he was going on a hurried visit to New York. But however hurried his departure, his return was rather slow, for it was over four years before he was again seen in Alabama. Meanwhile, a committee of the legislature appointed to examine his accounts found a shortage of more than \$250,000. The governor immediately offered a large reward for his arrest, but for several years all efforts to find him were unsuccessful. His bond was missing, and so was the record of it in the office of the secretary of state. From three of the men who were known to have signed it about \$50,000 was collected, and the State had to bear the loss of the rest. Nothing was heard of Vincent himself until March, 1887, when he came back a prisoner in the hands of a Texan named Ray to take the punishment of his crime. He was promptly tried on one



A NEW OFFICE ESTABLISHED.

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of the many indictments against him, convicted, and sent to the penitentiary. His is the most conspicuous example of crime in high places that Alabama history affords. One important result of the incident was the establishment of a new office. The holder of this office is called the examiner of public accounts. Through him the State can keep a closer watch over men entrusted with public moneys.



From photograph.

ALABAMA NORMAL COLLEGE, LIVINGSTON.

Notwithstanding the serious loss sustained through the crime of Vincent, the finances of the State were in a good way, and the next year the administration was enabled to congratulate the people on the fact that the treasury was fuller than at any other time in its history, while the tax rate, already low, could safely be lowered still further.

In 1883, a normal school for girls was established at Livingston. Miss Julia Tutwiler, who was connected with the school from its beginning, is well known for her work in education and charity, and is further endeared to the people of

Alabama by the respect in which they hold the memory of her father, Professor Henry Tutwiler. He was for many years principal of a famous school for boys at Green Springs.

The educational interests of the State were again promoted in the year 1884 by a substantial grant from the general government to the State University. The grant consisted of a large tract of land, more than 46,000 acres, and was to be applied, so far as necessary, to making good the losses sustained when the buildings were burned by Federal troops during the war. The gift has been carefully administered.



PROFESSOR HENRY TUTWILER.

In general, it may be said that the year 1884 marked the height of the first period of the new industrial life of the State. The railroads had nearly 2,000 miles of track in operation. The output of iron, which in 1870 was but little over 7,000 tons, had risen to 125,000 tons. While the black belt was still the richest part of the State, Jefferson had taken its place among the five counties paying the heaviest taxes.

The people were making good headway toward the high destiny in the Union to which Alabama confidently looks forward.

And yet, when, in the month of April, Jefferson Davis came to Montgomery for the last time, in order to dedicate a new monument to Alabama's Confederate dead, a vast multitude, gathered together from all over the State, showed by their enthusiasm that the people of Alabama held him in even greater honor and affection than when he was the commander of mighty armies. Mr. Davis's visit was an event of the deepest interest. His address was simple, manly, and dignified.

Later in the year, a financial depression of a general nature brought a pause in the city-building and mine-opening, but no permanent stop. Perhaps it was not altogether a bad thing, for the excitement over the development of the State had come to be somewhat demoralizing.

Politically, the State was still quiet. Chief Justice Brickell retired from the bench, and Judge Stone was promoted to his place. Judge Stone's seat was given to Judge David Clopton, and these, with Judge Henderson M. Somerville, made up a court which commanded the respect of lawyers throughout the Union. At the election in November, all the Congressmen chosen were Democrats, and Alabama contributed to the great Democratic victory of that year which placed Grover Cleveland in the White House. For the first time since the war, the majority of the white people of Alabama were in sympathy with the administration at Washington. Federal offices in the State were now filled by men who for many years had been proscribed from such preferment. However, the time was almost at hand when the Southern people could consider national questions quite apart from the vexatious old sectional differences.

Governor O'Neal, in his final message to the legislature, near the close of the year 1886, took occasion to say: "During the past two years the State has been peculiarly blest." There had been no great disasters; crops had been good; much new capital had come into the State; the development of its mineral wealth had gone on rapidly; taxes were light, and yet there was a good balance in the treasury. The debt, of which the greater part was bonded at four per cent. interest, was no longer an insupportable burden.

In these circumstances the people showed little disposition to find fault with the party in power; the election of the Democratic candidates for State offices was a foregone conclusion. The only serious contests were among the Democrats themselves in the State convention. Before

this body, Gen. Henry D. Clayton, Capt. John M. McKleroy, Col. N. H. R. Dawson, and Thomas Seay appeared as candidates for the nomination for governor. The contest was long and exciting, and ended in the nomination of Mr. Seay. He was elected in August by a large majority over a merely nominal opposition. Chief Justice Stone and Justices Somerville and Clopton were reëlected. The congressional elections in the autumn resulted in Democratic success in all the districts.

QUESTIONS.

What is said of Governor O'Neal ? What new State department was established ? For what purpose ? Tell the story of Vincent's crime. What new State office was established in consequence of it ? What is said of education at this time ? Of the industrial conditions ? Of the visit of Jefferson Davis ? What were the results of the State and national elections in 1884 ? Mention some of the reasons why Governor O'Neal congratulated the State at the end of his administration. What were the chief political events of the year 1886 ?

CHAPTER XXXVIII.

ADMINISTRATION OF GOVERNOR SEAY.

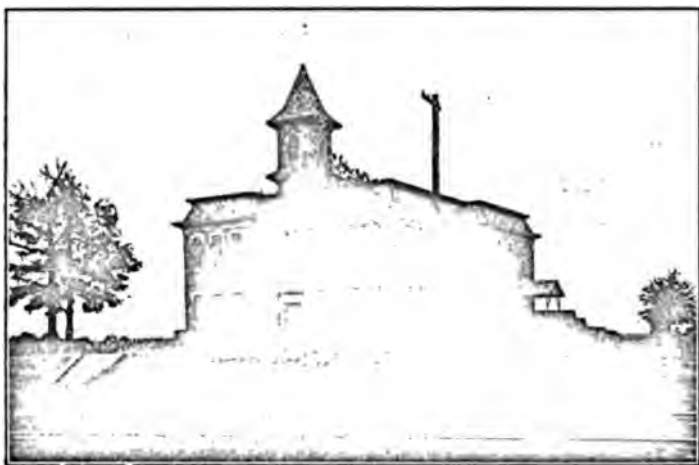


GOVERNOR THOMAS SEAY.

At the time he was inaugurated, Governor Seay was one of the younger public men of the State. He was born in Greene County in 1846, and was consequently only a boy during the Civil War, but none the less he saw service, and was a good soldier. For ten years he was a State senator, and toward the close of his career in the Senate he was president of the body. His strength in politics was based on the sweetness of his disposition, which made men love him, his honesty of purpose, and his thoughtful and eminently reasonable attitude on the public questions of his time. There were few who knew him in public or private life who were not his friends, even though they might be political opponents.

He found the State in good condition, with many avenues of progress open, and into these he constantly sought to lead the government and the people. When, during the first year of his administration, the President of the United States visited Alabama, Governor Seay welcomed him to Montgomery in a speech that was full of enthusiasm over the new ideas of industrial development, and the President, in his address at the State Fair at Montgomery, expressed the new feeling of trust in the South which had grown up in the North and East.

The legislature of 1886-1887 was notable for the work it accomplished : 563 bills and resolutions were passed before its final adjournment on the last day of February. One of its acts was the appropriation of three thousand dollars a year for the maintenance of a Normal School at Troy on condition that a suitable building should be provided. This was quickly done by the people of Troy, and the school was opened in September, 1887. Appropriations were also made



From photograph.

NORMAL SCHOOL, TROY.

for a university for colored people and for a separate hospital for the colored insane ; but the university was not established, because the money was appropriated from the common school fund, and the Supreme Court decided that this was not warranted by the constitution. It had been intended to aid the proposed university at the expense of the colored normal school at Marion. As a result of the decision of the court, the next legislature concluded to keep up the normal school, but not at Marion. It was accordingly removed to Montgomery, and has flourished there ever since.

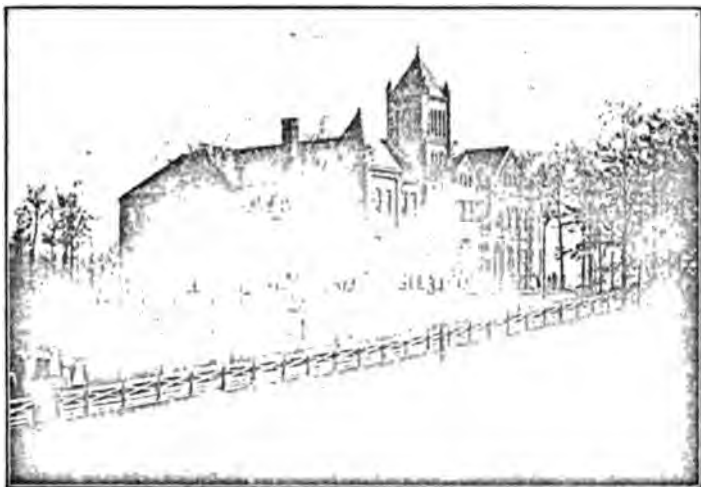
The legislature also gave much attention to the restriction of the sale of liquor. By this time a custom had grown up of granting prohibition laws to those counties and towns whose inhabitants desired them. A "local option law," applying to a considerable portion of the State, was now passed, the principle being that any community desiring prohibition can have it.

However, the chief interest of Governor Seay's administration is not in the work of the legislature or any other department of the government, but in the work of the people themselves. Recovering rapidly from the financial depression commonly known as the panic of 1884, they were proceeding steadily with the development of their resources. Birmingham was rapidly forging ahead of the older towns to the north and south of it. Its assessed values in 1887 were more than \$33,000,000, as against \$3,000,000 in 1881. Aniston had become a city. Bessemer, Sheffield, Decatur, and Florence were flourishing. But the picture had its darker side also. So many planters had left the black belt to try their fortunes in these new cities that farming lands went down in price. It was about this time that the movement among the farmers toward organization and coöperation became noticeable in Alabama, and the Farmers' Alliance began to attract attention. But the discontent of the farmers had little or no political expression as yet.

Late in the summer of 1888, Alabama was threatened with an epidemic of yellow fever. About the middle of September, the disease was known to be prevailing at Decatur, and vigorous quarantine measures were taken. Dr. Jerome Cochran, the State health officer, made an heroic fight to prevent the spread of the disease, and with the exception of a few scattered cases in various places it was confined to the stricken city until the coming of cold weather, when, as usual, it disappeared.

Governor Seay was renominated by the Democrats in May,

1888, on a platform warmly approving President Cleveland's policy of tariff reform, and was elected without difficulty over his Republican opponent, W. T. Ewing. In the November election, Alabama went for Cleveland and Thurman, the Democratic candidates for President and Vice-President, and returned to Congress a solid Democratic delegation. The legislature, being overwhelmingly Democratic, elected John



EAST LAKE ATHENAEUM.

T. Morgan to the United States Senate for another term of six years.

Five-sixths of all the laws enacted during Governor Seay's second administration were laws of a special or local nature, or else had reference to the ordinary subjects of legislation. One law is quite notable, however, because other States have taken it as a model. It was a law regulating the treatment of insane criminals. Judge Somerville, of the Supreme Court, and Dr. Peter Bryce, the head of the asylum for the insane, were the authors of it. The number of justices of

the Supreme Court was increased to four, and Governor Seay appointed Thomas N. McClellan, who had made a brilliant reputation as attorney-general, to fill the new place. The next year, Judge Somerville resigned and Thomas W. Coleman, of Greene, was put in his place.

The census of 1890 served to put on record the progress Alabama had been making during the decade. It showed that the population had grown to a little over a million and a half, and that the increase among the whites had been relatively and absolutely greater than among the colored people. The State was now seventeenth in the Union in the number of inhabitants. The shifting of population was very striking. Some of the central counties had actually lost, while Jefferson and the counties of the mineral belt had gained enormously. In most cases, the cities, old and new, were apparently growing at the expense of the country.

As to the industrial progress of the State, the most striking figures related to mines and manufactures. It had risen to be the third State in the production of iron ore and in the manufacture of pig iron, and the sixth in the production of coal. Nevertheless, agriculture remained by far the most important of its industries, and cotton the chief of its exports. The general increase of business was shown by the rapid growth in the number of banks and in the total of bank deposits. While vastly the larger portion of the wealth of the State was still in the hands of the whites, there were cheering signs of prosperity among the colored people also.

The condition of the schools was by no means satisfactory, but it was clearly an advance on previous periods. The total enrollment in the public schools for the census year was over 335,000, divided between whites and colored people in the proportion of seven to four; but many of the schools were open only a short time during the year. As to the churches, the figures showed that over thirty-six per cent. of the entire population were church members, that there were over 6,000

church buildings, and that the various denominations owned property worth nearly \$7,000,000.

There was a new interest in the subject of higher education. Howard College, in 1888, was moved from its old home at Marion to new quarters at East Lake, near Birmingham. In 1890, the East Lake Atheneum for young ladies was estab-



From photograph.

MAIN BUILDING OF HOWARD COLLEGE, EAST LAKE, ALABAMA.

lished at the same place by Major Solomon Palmer, who had won distinction during his long service as State Superintendent of Education.

The candidates for the Democratic nomination for governor in 1890 were Joseph F. Johnston, of Jefferson, Thomas G. Jones, of Montgomery, James Crook, of Calhoun, William Richardson, of Madison, and Reuben F. Kolb, of Barbour. These men had all been prominent in the party, but Mr. Kolb,

who on the first ballot led all the rest, got most of his strength from members of the Farmers' Alliance. This organization had grown very rapidly, and had been very active in promoting the interests of farmers in various ways, as, for example, by opposing a combination of manufacturers who were trying to keep up the price of jute bagging for cotton bales. Mr. Kolb was commissioner of agriculture, and had gone with energy into the work of organizing the farmers throughout the State and encouraging immigration. After a few ballots, it was clear that he could be defeated only by a combination of the other candidates, all of whom, as it appeared, opposed any drawing of lines in the party between the members of the Alliance and other Democrats, and all of whom also opposed certain ideas which Mr. Kolb and his followers supported. In the end, the other candidates combined on Thomas G. Jones, and he was nominated. Mr. Kolb agreed to support him, and in August he was elected by a large majority over Benjamin M. Long, the Republican candidate. As yet, no third party had appeared at the polls, but it was clear that sooner or later there would be one.

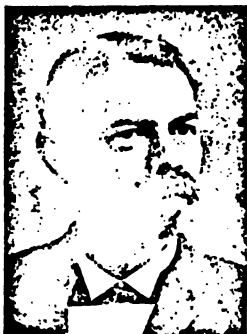
In the autumn elections the Democrats were successful in all the congressional districts. The legislature, being Democratic, reelected James L. Pugh to the national Senate. His rivals for the place were Thomas Seay, Thomas H. Watts, and Captain Kolb, who again received most of the votes cast by supporters of the Farmers' Alliance.

QUESTIONS.

What is said of Governor Seay? Of the President's visit? What did the legislature of 1886-7 do about education? About prohibition? What was the industrial condition of Alabama at this time? What is said of the yellow fever in 1888? Describe the elections of that year. Mention an important law passed in 1888-9. Tell about the census returns of 1890 under these headings: population, cities, mines and manufactures, schools, churches. What is said of politics in 1890? Of the Farmers' Alliance? Describe the campaign and give the result of the elections.

CHAPTER XXXIX.

ADMINISTRATION OF GOVERNOR JONES.



GOVERNOR THOMAS G. JONES.

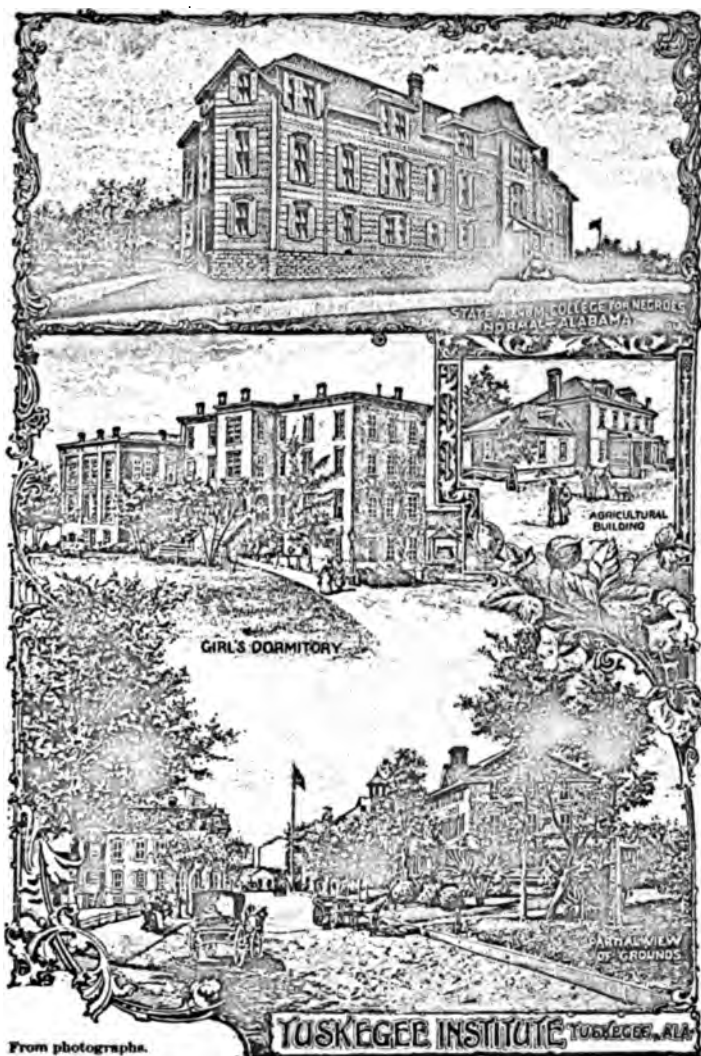
GOVERNOR THOMAS G. JONES was born in Georgia in 1844, of Virginian descent. He was brought to Montgomery in his childhood. At the outbreak of the Civil War, he was a cadet at the Virginia Military Institute, where he studied military science under Stonewall Jackson. As a soldier, he rendered heroic services to the Confederate cause; the last of his services was to bear a flag of truce at Appomattox. After the war he had some experience in planting and in journalism, but the law was his profession and in it he won his highest successes. A Memorial Day oration which he delivered in 1874 gave him a reputation beyond the bounds of the State. As commanding officer of the State militia, he won further distinction by subduing riots. He also served the State as Reporter of the Supreme Court, and as a member and speaker of the House of Representatives. His administration was marked by bitter political contests, which had for some years been threatening, and in which he could not help making enemies, for he had clear views on public questions and never hesitated about expressing them.

The legislature of 1890-1891 dealt with some important subjects. One of them was the race question as it relates

to common carriers. It was enacted that railroads should provide separate accommodations for whites and blacks, either by partitions in carriages or by separate carriages. The question of aiding disabled Confederates and the widows of Confederates was settled for the time by devoting to this object the proceeds of a special tax of one-half of one mill on every dollar's worth of taxable property. Within a year, nearly 5,000 applicants received aid from this source. An appropriation was also made to complete the Confederate monument on the Capitol grounds. The number of justices of the Supreme Court was increased to five, as in earlier years, and to the new place thus created Richard W. Walker was appointed by the governor.

The question of Alabama's representation at the World's Fair to be held in Chicago in 1893, in commemoration of the discovery of America, also came before this legislature, but no appropriation was made. A principal reason given by the opponents of the bill was the threat of Congress to pass an act, commonly called the "Force Bill," to take from the States in certain cases the control of elections to Congress. It was held that this measure was aimed especially at the South. However, after the legislature adjourned, the "Force Bill" was beaten in Congress, and a convention of citizens met at Montgomery and took action to make sure of an exhibit of Alabama's resources at Chicago.

Except for political contests, this and the following year in Alabama were not particularly eventful. The dredging of Mobile harbor was a welcome aid in the development of the growing lumber industry of the southern counties, and tended to restore to Mobile some of its old-time prosperity and importance. A freshet wrought considerable damage in the regions watered by the Tombigbee and Noxubee rivers, and the governor issued a proclamation calling for aid to the sufferers, which was generously rendered. A convention of colored people, which met at Tuskegee in 1892, was nota-



From photographs.

ble for the expression it gave of good feeling toward the whites. In a printed address, the convention declared: "We believe that we can become prosperous, intelligent, and independent where we are, and we discourage any efforts at wholesale emigration; and, recognizing that our home is to be in the South, we urge that all strive in everything to cultivate the good feeling and friendship of those about us in all that relates to our material elevation." In such movements as this, and in the work of the Tuskegee Institute and the normal school at Huntsville, two wise and faithful servants of their race, Booker T. Washington and William H. Council, have deserved well of Alabama. They have been helped, not only by Northern philanthropists, but by the white people among whom they live, to whom they have been respectful and fair.

Politically, the year 1892 was very important, because it saw the dominant party in the State quite seriously divided for the first time since the Civil War. The issue was between Captain Kolb and his followers, on the one hand, and the more conservative element in the party, led by Governor Jones, on the other. Soon after Governor Jones went into office, Mr. Kolb formally requested, and the Governor ordered, an official examination into the accounts of Captain Kolb as commissioner of agriculture. The examiner reported various irregularities, and the report gave some countenance to the charge that Captain Kolb and his clerks had made the State pay for railroad fares when they rode on passes. The report, however, did not apparently weaken Captain Kolb's hold on his followers, who believed that the charges were brought for political reasons only. The legislature passed a law providing that the office of commissioner of agriculture should be filled by popular election. Captain Kolb's term expired before the regular election of 1892, and Governor Jones appointed Hector D. Lane to the office for the time being. Captain Kolb, claiming that the governor had no

right to make the appointment, refused to give up his place. Suit was brought against him, and the case was decided in his favor in the lower court ; but the Supreme Court reversed the decision, and Mr. Lane was installed in the office.

All this increased the bitterness between the two factions, most of the old leaders in the party taking sides against Kolb, and his own followers growing more and more ardent in his support. He announced himself as a candidate for the Democratic nomination for governor, and he and Governor Jones had an exciting canvass. When the convention met, Governor Jones had a majority of delegates with regular credentials, but Kolb and his followers, claiming that Jones's victory in the primaries was due to frauds in various counties, held a separate convention. Kolb was nominated for governor, and other candidates for the other State offices. The Republicans made no nominations. At the election in August, Jones had a majority of about 11,000 ; but Mr. Kolb claimed that he had carried the State by 40,000 and the election officers had defrauded him. There was great excitement and bitterness of feeling. The "regular" Democrats also elected a majority in the legislature and their candidates for the other State offices. The legislature had failed to pass any law providing for contests of the election of State officers, though Governor Jones had twice recommended passing such a law, and so Mr. Kolb found it impossible to make any contest. His party, by this time calling themselves "Jeffersonian Democrats," named candidates for Congress at the autumn elections, and a list of presidential electors. As the Republicans again refrained from making nominations, and as the newly formed "People's party" endorsed the Jeffersonian ticket, it was the only ticket in opposition to the "regular" Democrats. Alabama was now entitled to nine Congressmen, and nine Democrats were chosen. The electoral vote of the State was cast for Cleveland and Stevenson, the Democratic candidates.

When Mr. Cleveland came to make up his Cabinet, he chose Congressman Hilary A. Herbert, of the Montgomery district, for the office of Secretary of the Navy. Mr. Herbert had long been at the head of the House Committee on naval affairs, and to him belongs no small share of credit for the efficiency of our new navy when it was tested a few years later in the Spanish War.

The charge of unfairness against the election officials was no doubt in the minds of the legislators during the session of 1892-3, for one of their principal measures was a new election law. It provided for a modified form of the "Australian" ballot, a ballot printed by the State with the names of the candidates for the several offices in alphabetical order. The law further provided that the voter should have the right to mark his ballot secretly, and that aid should be given to voters unable to read.



HILARY A. HERBERT.

An industrial school for white girls was established by the legislature at the same session, though the appropriation for it was not to begin until the year 1895. After an exciting competition the school was placed at Montevallo, whose enterprising citizens offered more inducements than any of the other towns which tried to secure it.

An important law relating to convicts was passed at this session. The proper treatment of convicts had been much discussed for some years, many opposing the system by which they were leased out to private employers, who, it was claimed, sometimes treated them cruelly. This new law gave entire control of the convicts to a board of nine persons, with the governor as chairman. The hiring out of convicts was still permitted, but they were to be provided

with food, clothing, lodging, and medical attendance by the State through wardens appointed for the purpose. Various reformatory features, including a school, were also introduced into the system. Another law raised the tax rate



GIRLS INDUSTRIAL
SCHOOL.
MONTEVALLO, ALA.

From photograph.

from four to five mills on the dollar.

The raising of the tax rate, necessary as it was, came at a time when even this slight increase of their burdens was bound to be felt by the people, for a financial "panic," long threatened, came in 1893, and proved one of the worst the country has ever known. While its effects were not more disastrous in Alabama than elsewhere, it fell with crushing weight on the new industrial life, as well as the old agricultural interests, of the State. Cotton



went down so low in price that the governor said it was "marketed below the actual cost." The iron industry was much depressed. In April, 1894, a strike was started by the coal miners of Northern Alabama; trouble threatened, and the militia was ordered out to keep the peace. The order dismissing the troops had scarcely been signed when the great Chicago railroad strike extended into Alabama, and troops were again ordered out to protect the property and employees of the railroads at and near Birmingham. In July, some striking miners at Pratt Mines attacked State convicts and their guards and killed several men. It was some weeks before order was completely restored, though the local and State authorities acted with promptness and vigor. At one time the whole force of State troops and the Governor in person were at the scene of disorder.

In the summer of 1893, yellow fever appeared at Pensacola, Florida, and at Brunswick, Georgia, and the quarantine against it was conducted for the first time by the State authorities. It was under the control of the State Board of Health. The measures taken were successful, not only in keeping out the fever, but in preventing any unnecessary alarm.

The distress of the people tended, as it always does, to increase the bitterness of political contests. The years following 1893 were years of political unrest throughout the Union, and Alabama had her full share of the struggling. Mr. Kolb and his followers were bitter against the administration, and Mr. Kolb himself still aspired to be governor. In addition, the regular Democrats were divided among themselves on the question of supporting or condemning the administration of President Cleveland. The President had taken strong ground against the free coinage of silver, a policy advocated by many Democrats, particularly in the West and South, and in other ways had given offence to various party leaders, including Senator Morgan, who opposed



him openly. Congressman William C. Oates, a supporter of the President in the main, and Capt. Joseph F. Johnston, an advocate of free silver, were candidates for the regular Democratic nomination for governor. The campaign was exciting. It ended in the success of Congressman Oates and the endorsement of the administration by the convention.

Mr. Kolb was again nominated by the "Jeffersonian Democrats," and he was also supported by the Populists and by the Republicans. So all the opponents of the Democratic party were united behind him. Nevertheless, he was again beaten, Colonel Oates being elected by a majority of more than 27,000 according to the returns. However, Mr. Kolb and his followers again declared that they had been defrauded, and the more violent among them even counselled resistance.

Robert C. Brickell had been appointed to succeed Chief Justice Stone, who died in March, 1894. The associate justices chosen were Thomas N. McClellan, Thomas W. Coleman, James B. Head, and Jonathan Haralson.

At the November election the Democrats carried eight of the congressional districts and the Populists one.

QUESTIONS.

What is said of Governor Jones? What did the legislature do about the race question and common carriers? About disabled Confederates? About the Supreme Court? What was done about the World's Fair? What is said of the colored people at Tuskegee? Describe the contest between Captain Kolb and Governor Jones in 1893, the conventions, the State elections, the national election. What is said of Hilary A. Herbert? What action did the next legislature take about elections? About the convicts? About taxes? What is said of the panic of 1893, and its results in Alabama? Describe the political campaign of 1894, giving the results of the elections.

CHAPTER XL

ADMINISTRATION OF GOVERNOR OATES.

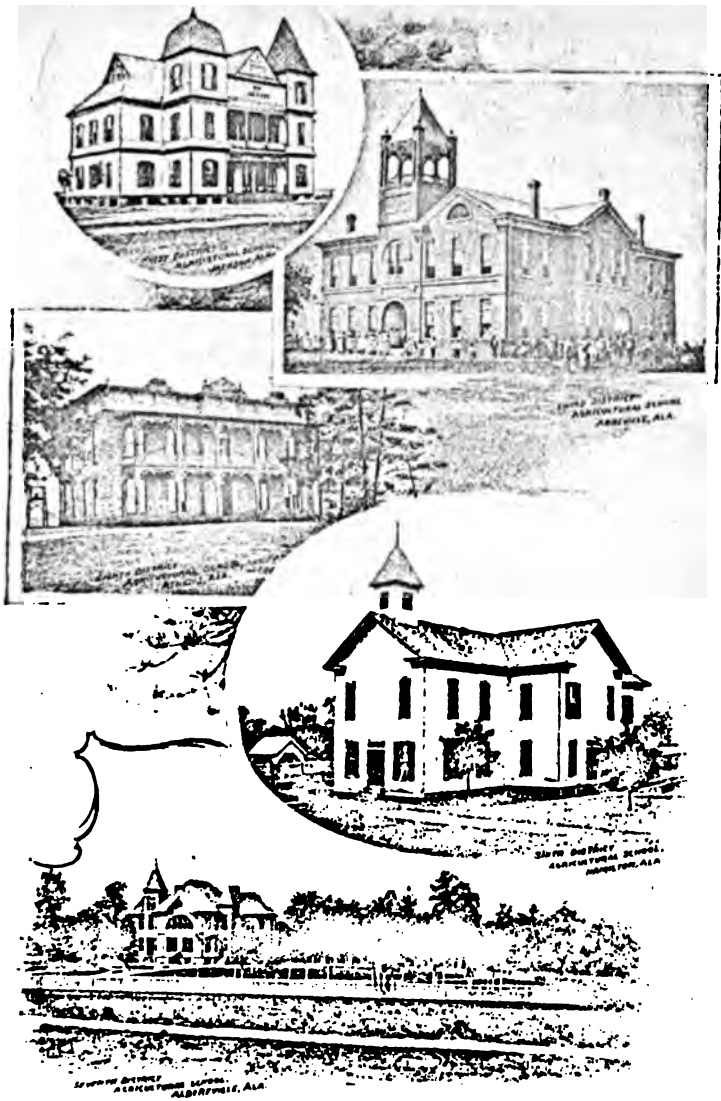


GOVERNOR WILLIAM C. OATES.

WILLIAM CALVIN OATES was born in Pike County in 1833, and got his early education in the schools of Alabama. In his young manhood he was a school-teacher for a time, and in 1858 he began to practise law; but in 1861 he volunteered as a Confederate soldier, and was elected a captain in the Fifteenth Alabama. The great battles in Virginia enabled him to fight his way to the command of his regiment. In July, 1864, he took command of the Forty-eighth

Alabama, and it made a glorious record under him. He was wounded at Brown's Ferry, on the Tennessee, and in the fighting near Petersburg, Virginia, he lost an arm. In 1870 he was elected to the legislature. Ten years later he was elected to the lower house of Congress, and he was kept there until he was chosen governor. As governor, he did not in any wise neglect State issues, but it was a time when national issues had the first place in the public mind.

He strongly favored measures looking to the gradual payment of the State debt, urging upon the legislature the wisdom of enacting a sinking-fund law for this purpose. He also gave much thought to the school system. In a special message to the legislature, he summed up the history of the various State institutions and of the common schools, point-



From photographs.

ing out the obligations of the State to the institutions themselves, to the national government, whose gifts for educational purposes had been accepted from time to time, and to the State constitution, which clearly sets forth the duty of the law-makers. The legislature in 1895 made provision for a number of agricultural experiment stations, which should also be included among the evidences of educational activity which were exhibited during this administration.

The institutions at this time receiving annual appropriations were the University, the Agricultural and Mechanical College at Auburn, four normal colleges for whites, and three for colored persons. Altogether, they were getting from the State treasury about \$75,000 a year. The money for the public schools, coming from various sources, amounted to nearly \$500,000 a year, not counting poll taxes. The governor advocated a special tax for schools, so that the people might know what they were paying for education and what for other purposes. He also heartily approved the idea embodied in the industrial school for girls then building at Montevallo.

At this time, Gen. Richard C. Jones was president of the University. In 1890 he had succeeded General Clayton, who in 1886 had succeeded Colonel Lewis. Colonel Lewis, General Jones, and General Clayton were distinguished public men and brave soldiers, but no one of them was a professional educator. When General Jones resigned in 1897, a new policy was adopted, and James Knox Powers, a man whose reputation had been won entirely as an educator, was called from the Normal College at Florence to the headship of the University. During the intervals following the deaths or resignations of various presidents, Prof. William S. Wyman several times discharged the duties of the office, though he steadfastly declined the title.

Governor Oates had announced at the time of his nomination that he would not be a candidate for a second term.



St. John's Church
Architectural Drawing
J. H. B. 1885



St. John's Church
Architectural Drawing
J. H. B. 1885



St. John's Church
Architectural Drawing
J. H. B. 1885



From photographs.

Joseph F. Johnston, who had several times aspired to the office, but had always bowed to the will of his party, and Congressman Richard H. Clarke, of Mobile, were candidates before the Democratic convention. The issue was distinctly national—Captain Johnston standing for the free coinage of silver, and Congressman Clarke sustaining President Cleveland. After an exciting canvass, Captain Johnston had a majority of the delegates and was nominated.

By this time many of the followers of Captain Kolb were in active coöperation with the People's party. The People's party nominated for governor Mr. A. T. Goodwyn, to whom, on a contest, Congress had given the seat occupied by a Democratic representative. A fusion between the Republicans and Populists in Alabama was brought about by giving the Republicans several places on the ticket; but at the August election the Democrats were successful by a good majority, many Kolb men, as it was supposed, voting for Captain Johnston on account of the success of the free-silver men in the Democratic convention.

The success of the free-silver men was important, especially because the convention sent delegates to the national convention at Chicago instructed to vote for a "silver" candidate for President. The Chicago convention adopted resolutions and nominated candidates favorable to this policy, and in consequence a number of "gold" men, objecting to this and other clauses in the platform, left the party. In Alabama, as elsewhere, they had a separate organization, adopting the name "National Democrats." A considerable number of distinguished men were of this party, but their vote in the November elections was small. The regular Democratic candidates, Bryan and Sewall, carried the State by a great plurality over the Republican candidates, McKinley and Hobart, and over Watson, the Populist candidate for vice-president. The legislature, soon after it assembled, chose Gen. Edmund W. Pettus, who for years had been a Demo-

cratic leader, to succeed Senator Pugh at Washington, honoring by their choice a brave old veteran and a famous lawyer. Governor Oates was his principal competitor for Democratic support.

QUESTIONS.

What is said of Governor Oates? Give the principal statements of his message about the schools. What is said of the recent presidents of the University? Tell about the contest for the Democratic nomination for governor in 1896; the election; the division in the Democratic ranks; the national election.

CHAPTER XLI.

ADMINISTRATION OF GOVERNOR JOHNSTON.



GOVERNOR JOS. F. JOHNSTON.

GOVERNOR JOHNSTON was born in North Carolina in 1843, and, like so many of his predecessors, he was a Confederate soldier. He was five times wounded, and notwithstanding his youth he rose to the rank of captain. After the war he practised law in Selma, and when Birmingham became the industrial centre of the State he went thither to become president of an important national bank. In State politics he distinguished himself by zealous and shrewd services to

his party; at one time he was chairman of its executive committee. He began his administration by devoting himself largely to measures intended to promote the material welfare of the State. Among the more important acts of the Legislature during his administration was a bill authorizing a tax commission to collect unpaid taxes, and a bill exempting from taxation for a term of years all capital that may be invested in cotton mills in the State. This exemption law has already attracted considerable capital, and it is evident that cotton manufacture is to be an important industry in Alabama. At the end of his first term he was reelected, and so served the customary four years. At this election, Thomas N. McClellan, who was then serving on the Supreme bench, was chosen Chief Justice.

Meanwhile, the educational interests of the State were not neglected. Much discussion was provoked by the sale of the lands given by the general government to help support the industrial school for girls at Montevallo and of certain lands owned by the University, the claim being made that better prices could have been obtained. However, it seems clear that better and better work is being done both in the common schools and in the higher institutions of the State; and there are other cheering signs of intellectual activity among the people. The women's clubs, in particular, have been very active.

Of Alabamians who have written for publication since the Civil War, quite a respectable number may be said to have done successful work. Hannis Taylor, of Mobile, Minister to Spain under President Cleveland, has won distinction with a scholarly book on constitutional history. His fellow-townsmen, Peter J. Hamilton, has made an important contribution to the early history of his native city

and the adjacent region. Professor William S. Wyman, Judge William R. Smith, Joseph Hodgson, John W. Dubose, Thomas M. Owens, Thomas H. Clark, Hilary A. Herbert, and Joseph Wheeler have all done valuable work in history. Two former citizens of Alabama, Henry W. Hilliard, Mr. Yancey's oratorical rival, and Dr. J. L. M. Curry, once president of Howard College and once Congressman from Alabama, have published interesting books. Many of Senator Morgan's speeches, particularly those relating to his work as member and chairman of the committee on foreign affairs, are permanently valuable discussions of great subjects. The late Father Ryan, of Mobile, was *par excellence* the poet of



JUDGE THOMAS N. MCCLELLAN.

the Lost Cause. Dr. Samuel Minturn Peck, of Tuscaloosa, and Zitella Cocke have published books of graceful verse. Margaret O'Brien and T. C. DeLeon have written on different subjects and in different styles. Mary Johnston, with two vigorous and stirring books of fiction, has won for herself a wider literary reputation than any other Alabamian has ever enjoyed.

But Governor Johnston's administration was especially notable for certain national events that occurred while he was in office, and for the part which Alabamians played in them.

In the summer of 1898 the people of Alabama once more saw in their midst numbers of soldiers clad in blue; but they came with no hostile purpose, and Alabama gladly gave of her sons to join them.

The United States having declared war against Spain, Alabama was one of the pathways over which American troops marched to the Gulf on their way to Cuba. The governor, in response to the President's call for volunteers, at once proceeded to form, chiefly from the militia, the organizations required. Two regiments—the first under Colonel E. L. Higdon and the second under Colonel J. W. Cox—were soon mustered into the service of the United States at Mobile. In addition, a battalion of colored troops was soon organized under Major Ballard, an officer of the regular army. The mustering in of the first company, under Captain Francis G. Caffey, of Montgomery, was an event so significant of a new order of things in the South that it attracted comment throughout the country. Later, the battalion was increased to a regiment.

President McKinley, in selecting general officers for the volunteer troops, stepped across the old line of sectional hate and misunderstanding, which swiftly faded in the glow of true patriotism. Joseph Wheeler, of Alabama, was made a major-general, and William C. Oates a brigadier-general, of the United States Volunteers. In command of all the cavalry before Santiago, General Wheeler, though past the

meridian of life, displayed the same intrepid courage and tireless energy that made Wheeler's cavalry dreaded when he was the boyish leader of gray-coated riders nearly forty years before. The war with Spain coming to an end, he got himself transferred to the Philippine Islands, and fought in a third war on the other side of the world.



RICHMOND F. HOBSON.

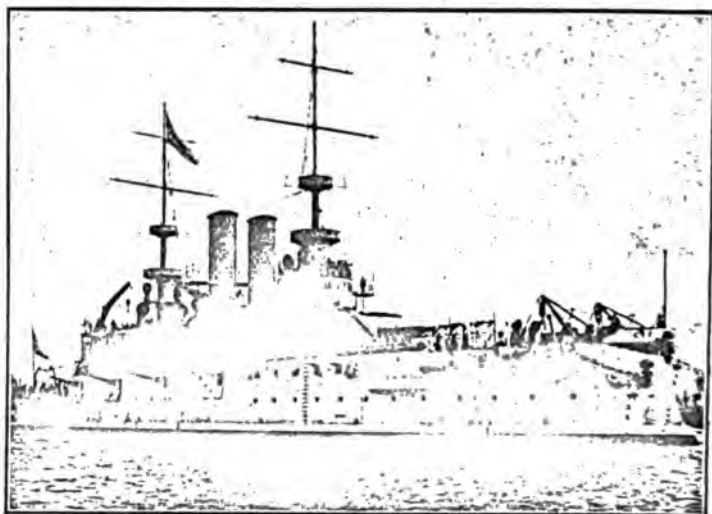
But another name shall brighten our pages—a name that belongs altogether to a younger generation and to the new Union. Through the battle smoke and dim light of the dawn at Santiago, an heroic figure rose before the world. On the bridge of the collier *Merrimac*, doomed to be sunk in the narrow channel of the Santiago harbor, that it might block the Spanish fleet from all escape, stood a youth fitted by

nature, by training, and by consecration to his country's service, for such deeds as his race demands of its chosen. That figure, long endeared by boyish memories to him who writes these lines, is surely fit to stand, to all who read them, for the hope Alabama has in her children.

Whosoever by patient work shall fit himself for sacrifice and service; whosoever shall forget selfish aims that he may give all to his country; whosoever shall strive to make Alabama a pillar of strength to the great Republic—he shall but follow where Hobson led the way.

During the session of 1898-9, the legislature dealt with a question of great and permanent importance. Several Southern States having, through constitutional amendments, freed themselves of the great mass of ignorant colored voters, a strong feeling grew up in Alabama in favor of doing likewise. The Constitution of 1875 forbade any educational qualification for the suffrage, and the legislature

passed a bill calling for a convention in order that this clause in the Constitution might be repealed and the suffrage laws changed. Governor Johnston signed the bill, but afterwards changed his mind and opposed the holding of the convention. In order to prevent it, he called the legislature together in special session, and the law was repealed.



From photograph.

THE BATTLESHIP ALABAMA, 1900.

However, those who were in favor of the movement did not give up. The Democratic State Committee had favored it, and in 1900 the State convention of the Democratic party voted in favor of it. So it was understood in the elections of 1900 that Democratic candidates for the legislature would, if chosen, support the measure. The question also entered into the contest for Senator Morgan's seat in the United States Senate. General Morgan, though a candidate for reelection, did very little canvassing. He favored a convention and a change in the suffrage laws. Governor Johnston,

his chief opponent, defended his position in the matter before the people. The result was an overwhelming victory for General Morgan. At this election William J. Samford, of Opelika, was chosen governor.



GOVERNOR W. J. SAMFORD.

Before he went out of office, Governor Johnston had an opportunity to represent the State on an inspiring occasion. In September, 1900, at Portsmouth, N. H., the State of New Hampshire presented gifts to two new battleships, the *Kearsarge* and the *Alabama*. Governor Johnston, present as the guest of the New England commonwealth, did not fail to express the kindness which, in Southern no less than in Northern hearts, now links those two names, not in memory of an unhappy conflict between Americans, but with pride in that valor which Americans of the North and of the South have so often displayed and will display again whenever a reunited country shall call upon her sons to serve her in arms.

QUESTIONS.

What is said of Governor Johnston? Of educational advances? Of Alabama authors? Of the war with Spain, and the Alabama troops? Of Wheeler? Of Hobson? Of the movement to change the suffrage laws? Of the senatorial contest and the State election in 1900? Of the *Alabama* and the *Kearsarge*?



APPENDIX.

PHYSICAL GEOGRAPHY AND NATURAL DIVISIONS OF ALABAMA.

BY EUGENE ALLEN SMITH, PH.D., PROFESSOR OF GEOLOGY, UNIVERSITY
OF ALABAMA.

ALABAMA is situated between the eighty-fifth and eighty-ninth meridians of west longitude, and mainly between the thirty-first and thirty-fifth parallels of north latitude. The thirty-fifth parallel makes the northern boundary* of the State, and the thirty-first the southern, with the exception of that part west of the Perdido River, which extends south to the Gulf of Mexico. The total area thus included is, according to the latest estimates, 52,251 square miles, of which 51,540 constitute the land surface.

SURFACE CONFIGURATION AND GRAND DIVISIONS.—Leaving out of account the smaller inequalities, the surface of the State may be considered as an undulating plain, whose mean elevation above sea level cannot be much less than 600 feet. Towards the north and east the surface rises above this level, and towards the south and west it sinks below it. A curving line drawn from the northwestern corner of the State through Tuscaloosa and Montgomery to Columbus, Georgia, would mark approximately the lower boundary of the area whose altitude is above 600 feet. This elevated land is the terminus towards the southwest of the great Appalachian mountain system, and it may therefore fittingly be designated as the *Appalachian area*. The line along which the highest altitudes occur, i.e., the axis of elevation of this area, runs northeast nearly along the northern boundaries of Coosa, Clay, and Cleburne counties, the altitude increasing towards the northeast. As a

* As a matter of fact, this parallel does not *exactly* coincide with the northern boundary.



consequence the general slope of the surface is away from this elevated region towards the northwest, west, southwest, south, and southeast. The mountains of the State all rise above this high land to elevations of 1,200 to 1,500 feet, or to 2,000 to 2,400 feet above sea level.

The rest of the State, whose general altitude is less than 600 feet, may be called the *Coastal Plain*. The surface of this Coastal Plain has a slope south and west towards the Gulf of Mexico and the Mississippi Valley. In elevation it declines from about 600 feet, where it touches the Appalachian division, to about 200 or 300 feet in the highlands overlooking the Gulf in the two coast counties. Into the materials of this gently sloping plain the rivers and other streams have sunk their channels, leaving between the remnants of the original mass which constitute the hills of this section of the State.

Another point of difference between these two great divisions, which an inspection of the map will impress upon the student, is the prevailing northeast and southwest direction of the minor subdivisions of the Appalachian area, and the approximately east and west trend of these divisions in the Coastal Plain area. These and other radical differences are due to the difference in the age and degree of consolidation of the component rock formations of the two divisions; to the different amounts of disturbance from their originally horizontal position which these strata have suffered; to the varying degree of adjustment of the drainage systems to the structure of the country, and to other causes, the discussion of which would be more appropriate to a geological than to a geographical description of the State. It is hoped, however, that some of the causes of these differences will be made plain in the course of what follows.

RIVER SYSTEMS.—In general terms, two things have been mainly instrumental in determining the direction of the drainage of Alabama. These are, first, the slopes toward the northwest and southeast away from the Appalachian axis of elevation above spoken of; and, second, the more general slope of the surface of the State, taken as a whole, southwestward towards the Mississippi Valley. An examination of the map will show that the latter cause has greatly outweighed the former in fixing the direction of the water courses, with the result of giving a general south-west direction to the whole drainage system of the State, with the single exception of that of the Tennessee River.

In the southeastern half of the Appalachian area, while the natural fall is southeast and south, most of the streams, and especially the minor ones, are also influenced by the northeast and southwest trend of the valleys and ridges, *i.e.*, by the geological structure, and they make

their way towards the Coastal Plain in a zig-zag course, alternating between southeast and southwest. In the northwestern half of the Appalachian region, the two branches of the Warrior River follow in general the troughs or basins of the coal field of the same name, which decline towards the southwest; while the Tennessee, entering the State near its northeastern corner, follows a limestone valley southwestward to Gunter'sville, then turns northwestward down the slope from the axis of the Appalachian highlands.

In the central part of the Appalachian region the dependence of the minor ridges and valleys upon the geological structure is most clearly seen, for they all have a northeast-southwest trend, which is the trend of the outcropping edges of the inclined or sloping strata, the valleys being cut into the limestones and other more easily eroded rocks, while the harder rocks stand out in the ridges.

In the Coastal Plain region the main streams have southwesterly courses determined by the general slope of the surface, while their smaller tributaries, as well as the ridges and small valleys to which they have given rise, show a close dependence upon the character of the materials of the geological formations and upon their position or attitude. Throughout the Coastal Plain the constituent strata or beds of sand, clay, limestone, and marl have a slope or dip in the same general direction as that of the surface of the country, but at a more rapid rate, which is on an average about 35 feet to the mile. And while the main streams have cut across the edges of these slightly inclined beds, the smaller streams run roughly parallel to the same. The result is that the landward-facing slopes of the valleys of these minor streams are steep and abrupt, while the slopes facing gulfward are very gentle, often hardly to be distinguished from horizontal. Thus, while the adjustment of the smaller streams of the Coastal Plain to the geological structure is not as striking, it is in places quite as complete as in the Appalachian region.

MOUNTAINS AND TABLE-LANDS.—As has been intimated above, the mountainous region of the State is confined to the Appalachian division. In the southeastern half of this division, the component strata of the mountains have been much folded and plicated, and the mountains are, as a rule, sharp-crested and serrated, while in the northwestern half the strata are in wide, open waves or folds, and the mountains are merely the remnants of an elevated table-land, the Cumberland Plateau, with steep sides and flat tops. In the Coastal Plain there are no mountains, properly speaking; and the hills, like the spurs of the Cumberlands, are simply the parts of the general mass of the country left more or less intact between the watercourses.

NATURAL SUBDIVISIONS OF THE STATE, WITH THEIR TOPOGRAPHIC FEATURES, SOILS, MINERALS, AND OTHER RESOURCES.—The main topographical features of any region are the inequalities of surface caused either by actual folds or wrinkles in the earth's crust, or by the unequal degradation of the land by atmospheric or aqueous agencies. The two great factors which determine surface configuration are thus seen to be geological structure and erosion. In all cases, difference in the quality of the material acted upon by erosion is an important subfactor to which are due all those minor inequalities which constitute scenery.

Under the action of the atmospheric and other agencies, rocks are disintegrated and converted into soils which either rest upon the parent rock or are removed by running water or other transporting agency and spread over regions more or less remote from their point of origin. A distinction is thus made between *sedentary or residual soils* and *transported or drifted soils*. We shall presently see that soils of the first class prevail in the Appalachian region, while the transported soils are more characteristic of the Coastal Plain.

In the present position or attitude of the rock strata, whether approximately horizontal or much inclined; in the nature of the connection between the topography and the geological structure; and in the relations of the soils to the country rock upon which they rest, are found the characters according to which, for convenience of description, the State may be marked off into the following subdivisions:

Divisions of the Appalachian Area.

These are four in number, viz. :

1. **THE TALLADEGA MOUNTAINS AND ASHLAND PLATEAU.**—These two sections correspond to the Blue Ridge and the Piedmont Plateau of Georgia and the States to the northeast, and make up the southeastern part of the Appalachian area of Alabama. The rocks are all more or less crystalline in texture, and are rarely in horizontal position, but nearly always highly inclined, generally towards the southeast. The Talladega Mountains, which make the northwestern part of this division, are high, sharp-crested ridges, with narrow, often gorge-like, valleys between.

From this elevated land, which carries some points 2,400 feet above sea level, the country falls rapidly towards the southeast, into the Ashland or Piedmont Plateau, with an average elevation of about 1,000 feet.

The plain-like character of this section is evidently the result of weathering and erosion, base-levelling, and is not due to the horizontal position of the rocks, as is the case in the Cumberland Plateau, presently



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to be described. The present topographic features are due to the subsequent elevation of this plain and the dissection of its mass by the water-courses.

As types of the rocks of this section, granites, gneisses, and schists may be taken. The soils are all derived from the decay of the rocks of the country, upon which, in general, they directly rest. The most fertile of these soils are those derived from granites and gneisses, and they are red or gray in color as the parent rocks contain iron-bearing minerals or not. Nearly all the granitic soils have been long under cultivation, the first settlements having been where these soils prevailed.

The other class of rocks of this section, viz., the schists and slates, yield much less productive soils, and the face of the country where they prevail is also much more broken than in the granitic areas. For this reason, so directly dependent upon the nature of the underlying rocks, the population in the slate lands is less dense than in the granitic.

The mineral productions of this region are gold and copper ores, granite, soapstone, mica, corundum, and kaolin. The greater part of it is heavily timbered, usually with oak and short-leaf pine, but along the eastern flank of the Talladega Mountains there are large areas of the best of long-leaf pine timber.

2. THE COOSA VALLEY REGION.—The wide valley with prevailing calcareous soils, lying between the Talladega Mountains on the east and the coal fields on the west, has received this name from the river which drains it. It is the continuation of the valley of East Tennessee and the great valley of Virginia. The rocks which underlie the Coosa Valley, while mostly some form of limestone, include also sandstones and shales. They are no longer in their original horizontal position, but have been tilted, and inclined often at high angles, and very generally towards the southeast. In the erosion of this region, the limestones have yielded more than the other strata, and they therefore form the floors of the valleys, while the harder sandstones occupy the ridges. In consequence of this diversity of material, and the resulting diversity of topographic forms, the Coosa Valley is a complex trough fluted with scores of smaller parallel valleys and ridges. Of the same general character as the Coosa Valley are the outlying valleys, Cahaba, Wills's, Jones's, Murphree's, and the valley of Blount Springs. These are long, narrow valleys, running northeast and southwest, and due, like the Coosa Valley, to folds or pli-cations of the earth's crust.

Throughout these valleys the soils rest directly upon the rocks from which they have been derived. Naturally, the soils derived from the limestones, the red clay soils, are the most fertile, and consequently have

been the first to be taken into cultivation and to attract a dense population.

The sandstone soils are usually gray. They are of inferior fertility, and are found upon the ridges. Both facts make them less desirable. The soils from the shales are intermediate in quality between the two above named. Where the shales are calcareous, very desirable soils result, though from defective drainage many areas of shale soils lie unimproved in what are termed the "flatwoods."

The original forest growth of these valley regions was chiefly oak, both in valley proper and on mountain ridge, but in many places the "flatwoods" support a splendid growth of a long-leaf pine.

Of mineral productions the valleys yield the great bulk of our brown iron ores, limestones, and bauxites. The red iron ores which have helped to bring Alabama up to the second place among iron-producing States are found mainly in the secondary ridges of the valleys lying to the westward of the Coosa Valley proper.

3. THE COAL FIELDS.—These are four in number, as follows: The Coosa field, Lookout Mountain, the Cahaba field, and the Warrior field. They are separated from one another by the long, narrow valleys with calcareous soils, above described. In their geological structure they may be described as the troughs of the folds or plications of the earth's crust which characterize this part of the State. In the Coosa and Cahaba fields these troughs have been much compressed, so that the constituent strata, as a rule, show a marked, sometimes steep, inclination, generally towards the southeast. In the Warrior and Lookout Mountain fields, the troughs are much more open, and the constituent strata have usually retained their originally horizontal position, except in the immediate vicinity of the valleys which traverse the coal fields from northeast to southwest. The Warrior is the most important of these fields in respect of size and extent of mining operations, and it is separable into the basin and the plateau regions, the former occupying the lower or southwestern part of the area and the latter the northeastern. The general elevation of the surface increases towards the northeast, with the result of bringing the strata of the coal measures in the plateau region up to altitudes of 2,000 feet near the northeastern corner of the State. By the Tennessee River and its tributaries and by Wills's Creek and other principal streams, this plateau has been much dissected and deeply trenched, and its remnants constitute the mountains of this section.

South and east of the Tennessee River these mountains are long, narrow strips of this table-land, with flat or shallow trough-shaped tops, and irregular, often deeply scalloped margins facing with precipitous



slopes the bordering valleys ; while to the north and west of the river the table-land has been so much dissected that its remnants appear as isolated flat-topped mountains separated by gorge-like valleys. These mountains are the "spurs of the Cumberlands," while the more continuous areas of the plateau are known by the names Sand Mountain, Raccoon Mountain, Blount Mountain, and Lookout Mountain.

Naturally the most important production of this section of the State is the coal, which occurs in beds varying from a few inches in thickness up to ten or twelve feet, only those containing at least two and a half feet of coal being mined. The original forest growth upon these areas was oak and short-leaf pine, but there are two or three limited tracts in the midst of the Warrior field with a dense growth of long-leaf pine.

The soils here are *residual*, i.e., derived from the decay of the rocks of the country, and as these rocks are sandstones and shales the soils are in the main rather poor ; but of late they have come much into favor on account of their favorable situation and of the fact that they are very responsive to fertilizers, and with proper cultivation can be made to yield fine crops. The sandstones of the coal measures have recently been extensively used by the Government in the construction of locks on the Warrior River.

4. THE TENNESSEE VALLEY.—The region included under this head is naturally divisible into two parts, the first being that part adjacent to the river in its course from the northeastern corner of the State down to Guntersville. Here the river proper is confined to the trough of the northwesternmost of the long, narrow valleys above mentioned, viz., the Sequatchee Valley of Tennessee, whose prolongation into Alabama is known as Brown's Valley, and the true valley lands are limited in extent. Beyond Guntersville, however, the river turns northwestward at first, along with its main tributaries, Paint Rock and Flint rivers, cutting across and dissecting the Cumberland table-land, in a region which is rather mountainous than valley-like, then, about the meridian of Huntsville, emerging into a wide, open valley, which is the part which we usually have in mind in speaking of the Tennessee Valley. The rocks underlying this section are mainly limestones, much mixed with chert or some other form of siliceous matter, especially along the northern border of the State, and interlaminated with sheets of sandstone further south. These rocks, while almost horizontal, have yet a perceptible slope or dip towards the south, and since the river crosses them nearly at right angles to this dip, the characteristic features of the valley, both as to topography and as to soil varieties, are produced. The river itself occupies a broad trough or valley in the purer limestone, while on both

sides are erosion ridges, with steep northward facing slopes, and very gentle, almost imperceptible, slopes in the other direction. North of the river these ridges are formed of the flinty or siliceous limestones, while to the south of the river, the principal parallel ridge, known as Little Mountain, has a capping of sandstone to which it owes its existence. Beyond the Little Mountain another valley, Moulton Valley, intervenes before the foot of the escarpment or bluff of Sand Mountain is reached. The Tennessee, therefore, like the Coosa Valley, is a complex trough, fluted with long, narrow, parallel ridges and subordinated valleys.

In the Tennessee Valley three principal varieties of soils may be readily distinguished; viz., those derived from the purer limestones of the valley proper of the river, those derived from the siliceous limestones lying to the north of the river, and those derived from the sandstones of the Little Mountain. The first of these is a fertile red clay soil, like the best of the similar soils of the Coosa Valley region. The second variety characterizes the region known as the "Barrens," and is a siliceous soil of fair degree of fertility, and by no means such as this name would imply. The third variety is much like the soils of the coal measures, but contains in general more lime than these.

The original timber growth of the valley was oak, hickory, walnut, and cedar, with no long-leaf pine. In the "Barrens" and on the Little Mountain short-leaf pine is common along with the other timber mentioned.

A broad, fertile valley, with gently undulating surface, traversed by a navigable stream, offered attractions which the early immigrants were quick to appreciate, and we consequently find that the Tennessee Valley was from the first a favored region in respect of population.

The valley yields a practically unlimited supply of the best of limestone for building and ornamental purposes, and in places a sufficient quantity of brown iron ore to be of commercial importance. In the extreme western part of the valley there are important beds of clay, suitable for the manufacture of fine grades of pottery, tiles, terra cotta ware, etc., but as yet entirely undeveloped.

Divisions of the Coastal Plain.

The geological formations which make the basis of the Coastal Plain consist of beds of sand, clay, limestones, marls, and their admixtures, having a general slope towards the Gulf of Mexico of 30 or 40 feet to the mile. The strata therefore decline in the direction of the Gulf at a more rapid rate than does the surface itself, so that in going southward from the Appalachian region we pass successively over the bevelled edges



of these formations, from the oldest to the newest. Each of these formations occupies the surface in a belt proportional in width to its thickness, and running approximately east and west across the State. The slight variations in the quality of the materials constituting these strata give rise to slight variations in the quality of the soils derived from them, and consequently to the forest growths which these soils support; and it follows that the natural divisions, based on these variations, into which it is convenient to separate the Coastal Plain, are arranged like the geological formations, as will be seen from the map, in slightly curved but approximately east and west running belts.

But these formations do not possess that diversity in component materials that characterizes the strata of the Appalachian division, and the soil varieties and their timber growths are on this account less varied than those found in the region above described. In addition to this, when we take into account the circumstance that the whole Coastal Plain has been covered in moderately recent times with a mantle of sand, red loam, and pebbles averaging perhaps 10 or 15 feet in thickness, and of surprisingly uniform composition, we should not be surprised to find that there is a certain degree of monotony in the soils and production of this region.

In general, however, as we go southward, the proportion of red loam in the surface mantle tends to decrease, while the proportion of sand in equal measure increases; and in places this surface mantle has been partially or completely removed by erosion, so that the soils are derived either from the underlying formations wholly, or from admixtures of these older beds with those of the surface mantle. In this way a fair degree of diversity in the soils is produced out of what might at first sight be deemed rather unpromising material.

Three of the formations of the Coastal Plain have impressed themselves upon the soils and general characteristics of the country more forcibly than the others. These are two limestone formations, known, the one as the *Rotten Limestone*, the other as *White* or *St. Stephen's Limestone*, and a clay formation known as the *Black Bluff* or *Flatwoods Clay*.

The first of these, the *Rotten Limestone*, underlies a belt entering the State from Mississippi, and extending, with an average width of fifty miles eastward, a short distance beyond Montgomery. This is known as the *Black Belt* or the *Canebrake*, and is characterized by the prevalence of black, limy, highly fertile, clayey soils, interspersed with areas originally destitute of forest trees, and for that reason called "prairies."

Throughout the *Black Belt* the surface mantle of sands and loam has been very generally washed off, leaving the underlying limestone or marl

to make the soils. The rather uniform composition of this limestone has caused it to be evenly degraded by erosion, so that the resulting surface is generally undulating, with no great diversity of elevation, except where, in places, the overlying mantle has, by reason of slightly greater induration of its materials, resisted the erosion and protected the underlying formation. Where this has happened, ridges capped with sandy soils are formed, breaking thus the uniformity both of surface configuration and of soils and forest growth.

The Black Belt is the most highly favored portion of the State from an agricultural point of view, and holds the densest population, as will be shown below. Its natural forest growth is oak and hickory, with short-leaf pine along the sandy ridges; but the whole area has in great measure been cleared away, and the land generally turned to cultivation. Along the borders of the "Canebrake," north and south, occur beds of phosphatic marl of similar character to the marls of New Jersey, but as yet our citizens have failed to make use of them.

Near the junction of the Central Prairie Belt with the lower Pine and Hardwood Belt, there is a clay formation making what is known in the western counties of the State, Sumter, Choctaw, and Marengo, as the "Post Oaks" or "Flatwoods," a well-defined agricultural district, with stiff, clayey soils, difficult to manage, but, when cultivated, fairly productive. As we follow this belt eastward into Wilcox and Butler, it becomes more and more limy, and runs into a genuine prairie with black, stiff, limy, and highly productive soils. Still further towards the east, in Crenshaw, Pike, and Barbour counties, these limy clays are replaced by thick beds of limestone, with caves and big springs as characteristics of the country.

The other bed of limestone above specified underlies a good proportion of what has been designated the Long-leaf Pine Belt, and in general does not greatly influence the surface soils; but along its northern border, especially in the counties of Choctaw, Clarke, Monroe, and Conecuh, it gives rise to black, limy, clay soils very similar to those of the Black Belt; but the surface of the country is much more broken than in the Canebrake, and the region has hence been called the "Lime Hills" or "Hill Prairies." These limy soils, however, characterize only a relatively small proportion of the area based upon this limestone formation, the greater part of which has soils not greatly differing from the general type of the Coastal Plain soils.

Neither the Flatwoods nor the Lime Hills are shown on the map, but are included in the lower belt of Pine Uplands, and the Long-leaf Pine Belt, respectively.



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The other divisions of the Coastal Plain may now be briefly described. On both sides of the Central Prairie region are belts fifty miles or more in width, with approximately similar soils and natural forest growth. The surface in both of these belts is much broken, the hills, however, seldom reaching an altitude of more than 600 feet above sea level.

In the upper belt the overlying mantle of sands and pebbles above mentioned becomes in places indurated into a rock by precipitation of iron oxide. The protection against erosion thus afforded is the cause of the formation of some of the highest of the hills of this section, which are, however, only the undegraded remnants of the original mass of the Plain. Such hills have often rocky, precipitous slopes. In the lower belt, another formation, the "Buhrstone," is responsible for a very well defined, almost mountainous, range across the counties of Choctaw, Clarke, and Monroe. This is a sandstone formation, and is, as a rule, far harder and more resistant to erosion than those which surround it. In consequence it caps some of the highest hills in southern Alabama. These Buhrstone hills exhibit the usual Coastal Plain characteristics of steep or precipitous northward-facing slopes, and gentle, in places almost imperceptible, slopes towards the south.

In both belts the soils are sandy loams of moderate degree of fertility, but they are coming into much favor of late years because easily cultivated and highly responsive to fertilizers. These two regions have been designated the "Pine and Hard Woods" belts, or the "Oak and Pine Uplands."

To the southward of the lower Oak and Pine Upland belt lies a region of open, rolling, piney woods, with comparatively little underbrush, "the Long-leaf Pine Belt." The northern border of this belt is much more broken than the rest of it, from the influence of the Buhrstone above mentioned, and might properly be called the Pine Hills, but the greater part of the division is of the character above mentioned. Being based upon a limestone formation, this division, especially in the southeastern part of the State, is further characterized by the prevalence of lime sinks, shallow ponds, and, occasionally, big springs. Forests of long-leaf pine supplying the material for numerous large lumber mills, and for turpentine distilleries, represent the most important of the natural resources of this section. The soil being rather sandy is not of the best, yet through the use of fertilizers, now becoming almost universal, some of the most productive farms in the State are to be found here.

Towards the south this rolling pine country falls off gradually, and the surface inequalities become less and less pronounced. Hence the occurrence of numerous "flatwoods" and pine flats, or pine barrens, as

we approach the coast. It must not be inferred, however, that these flats are near the sea level, for perhaps two-thirds of the area of the two coast counties, Mobile and Baldwin, have an elevation of 200 to 300 feet above sea level, and this even down to the immediate vicinity of the Gulf.

The flatwoods are upon this elevated land, though, of course, along the banks of the rivers and the borders of the Bay of Mobile and of the Gulf there are other flat lands not more than twenty or thirty feet above tide.

These are among the most recently formed of the strata and soils of the State, and might properly be called alluvial. Along the coast these lowlands take on the characters of the salt-water marsh.

Influence of the Geology upon the Spread of Population in the State.

The maps accompanying the Reports of the Eleventh Census show that the spread of population in Alabama has been determined mainly by two things—first, the natural facilities for transportation; and, second, the fertility of the soils. Up to the year 1835 the densest population in Alabama was along the lower courses of the Alabama and Tombigbee rivers, decreasing from Mobile up; and along the Tennessee River, decreasing from the Tennessee line southward and westward. About the year 1840 the influence of the soils began to make itself felt, and we find the greatest density of population no longer confined to the river courses, but extending into three regions, by reason of the fertility of their soils. These are (1) the Canebrake or Central Prairie with its rich black marly soils; (2) the Tennessee Valley, whose red limestone lands have attracted the population away from the immediate banks of the river; and (3) the Coosa Valley, whose similar rich limestone soils have drawn a moderately dense population down the Coosa River from Georgia.

From these centres the population has gradually spread over the State, following the fertile soils primarily; but of late years the concentrating influence of the large towns has come in to modify the two causes first mentioned. It might perhaps be said that the topographic features of the country have decided these movements of the population, which have been in general along the valleys or gently undulating tracts, shunning the mountains and rugged lands. These considerations have no doubt had much weight; but the topographic features and the soil varieties are so closely related that it is difficult to ascribe to each its proper share of influence. Thus the valley lands are generally based upon limestones, which yield among the best of the soils; while the hills are formed of sandstones and other siliceous rocks, which yield less fertile soils. On the other hand, the valleys are, from their surface configuration, better adapted to cultivation than the rugged hills, even when the two have equally fertile soils.

LIST OF COUNTIES.

SHOWING ORIGIN OF THEIR NAMES, COUNTY SEATS,
WHEN LAID OUT, AND POPULATION.

NAME.	NAMED FOR.	COUNTY SEAT.	LAID OUT.	POPULATION, 1890.
Antauga.....	Antauga Creek.....	Prattville.....	1818	17,915
Baldwin.....	Abraham Baldwin.....	Daphne.....	1800	13,194
Barbour.....	James Barbour.....	Clayton.....	1822	35,152
Bibb.....	William W. Bibb.....	Centreville.....	1818	18,498
Blount.....	William G. Blount.....	Oneonta.....	1818	23,119
Bullock.....	Col. E. C. Bullock.....	Union Springs.....	1806	31,944
Butler.....	William Butler.....	Greenville.....	1819	25,761
Calhoun.....	John C. Calhoun.....	Anniston.....	1832	34,474
Chambers.....	Henry Chambers.....	Lafayette.....	1832	32,554
Cherokee.....	Cherokee Indians.....	Centre.....	1836	21,006
Chilton.....	Judge W. P. Chilton.....	Clanton.....	1838	16,522
Choctaw.....	Choctaw Indians.....	Butler.....	1847	18,136
Clarke.....	John Clarke.....	Grove Hill.....	1812	27,790
Clay.....	Henry Clay.....	Ashland.....	1806	17,069
Cleburne.....	General Cleburne.....	Edwardsville.....	1806	13,206
Coffee.....	Gen. John Coffee.....	Elba.....	1811	20,972
Colbert.....	George and Levi Colbert.....	Tusculum.....	1807	22,341
Conecuh.....	Conecuh River.....	Evergreen.....	1818	17,514
Coosa.....	Coosa River.....	Rockford.....	1832	16,144
Covington.....	General Covington.....	Andalusia.....	1821	15,346
Crenshaw.....	Anderson Crenshaw.....	Rutledge.....	1835	19,684
Cullman.....	John G. Cullman.....	Cullman.....	1877	17,819
Dale.....	Sam Dale.....	Ozark.....	1824	21,140
Dallas.....	Alex. J. Dallas.....	Selma.....	1818	54,657
De Kalb.....	General De Kalb.....	Fort Payne.....	1836	23,558
Elmore.....	John A. Elmore.....	Wetumpka.....	1860	36,009
Escambia.....	Escambia River.....	Brewton.....	1838	11,820
Etowah.....	Indian river.....	Gadsden.....	1866	27,361
Fayette.....	Marquis De La Fayette.....	Fayette.....	1824	14,132
Franklin.....	Benjamin Franklin.....	Russellville.....	1818	16,511
Geneva.....	Its chief town.....	Geneva.....	1838	19,006
Greene.....	Gen. Nathaniel Greene.....	Eutaw.....	1819	24,182
Hale.....	Stephen F. Hale.....	Greensboro.....	1807	31,011
Henry.....	Patrick Henry.....	Abbeville.....	1819	36,147
Jackson.....	Andrew Jackson.....	Scottsborough.....	1819	30,508
Jefferson.....	Thomas Jefferson.....	Birmingham.....	1819	140,420
Lamar.....	L. Q. C. Lamar.....	Vernon.....	1860	16,044
Lauderdale.....	James Lauderdale.....	Florence.....	1818	26,559
Lawrence.....	James Lawrence.....	Monton.....	1818	20,124
Lee.....	Robert E. Lee.....	Opelika.....	1866	31,836
Limestone.....	Geological character.....	Athens.....	1818	22,397
Lowndes.....	William Lowndes.....	Hayneville.....	1830	35,651
Macon.....	Nathaniel Macon.....	Tuskegee.....	1832	24,196
Madison.....	James Madison.....	Huntsville.....	1808	43,702
Marengo.....	Battle of Marengo.....	Linden.....	1818	33,315

NAME.	NAMED FOR.	COUNTY SEAT.	LAID OUT.	POPULA- TION, 1900.
Marion.....	Francis Marion.....	Hamilton.....	1818	14,494
Marshall.....	Chief Justice Marshall.....	Guntersville.....	1836	25,240
Mobile.....	Indian name Mauvila.....	Mobile.....	1813	62,740
Monroe.....	James Monroe.....	Monroeville.....	1815	25,066
Montgomery.....	Lemuel P. Montgomery.....	Montgomery.....	1816	72,047
Morgan.....	Daniel Morgan.....	Decatur.....	1818	28,880
Perry.....	Commodore Perry.....	Marion.....	1819	31,783
Pickens.....	Andrew Pickens.....	Carrollton.....	1820	31,403
Pike.....	Zebulon M. Pike.....	Troy.....	1821	29,172
Randolph.....	John Randolph.....	Wedowee.....	1832	21,647
Russell.....	Gilbert C. Russell.....	Scale.....	1832	37,063
St. Clair.....	Arthur St. Clair.....	Ashville.....	1818	19,483
Shelby.....	Isaac Shelby.....	Columbiana.....	1818	23,691
Santer.....	Thomas Santer.....	Livingston.....	1832	32,710
Talladega.....	Indian town.....	Talladega.....	1832	33,773
Tallapoosa.....	Tallapoosa River.....	Dadeville.....	1832	30,673
Tuscaloosa.....	Tuscaloosa River.....	Tuscaloosa.....	1818	35,147
Walker.....	John W. Walker.....	Jasper.....	1834	25,128
Washington.....	George Washington.....	St. Stephens.....	1800	11,134
Wilcox.....	Joseph M. Wilcox.....	Camden.....	1819	35,681
Winston.....	John A. Winston.....	Double Springs.....	1880	9,354

STATE OFFICERS.

GOVERNORS.

GOVERNOR OF THE TERRITORY :

William Wyatt Bibb, 1817.

GOVERNORS OF THE STATE :

William Wyatt Bibb, 1819.

Thomas Bibb, 1820.

Israel Pickens, 1821.

John Murphy, 1823.

Gabriel Moore, 1829.

Samuel B. Moore, 1831.

John Gayle, 1831.

Clement C. Clay, 1835.

Hugh McVay, 1837.

Arthur P. Bagby, 1837.

Benjamin Fitzpatrick, 1841.

Joshua L. Martin, 1845.

Reuben Chapman, 1847.

Henry W. Collier, 1849.

John A. Winston, 1853.

Andrew B. Moore, 1857.

John Gill Shorter, 1861.

Thomas H. Watts, 1863.

(Interregnum of two months.)

Lewis E. Parsons, 1865 (appointed by the President of the United States).

Robert Miller Patton, 1865. (Governor Patton held office for seven months longer than his term, because a successor to him was not elected.)

William H. Smith, 1868 (under Reconstruction Acts of Congress).

Robert B. Lindsay, 1870.

David P. Lewis, 1872.

George S. Houston, 1874.

Reuben W. Cobb, 1878.

Edward A. O'Neal, 1882.

Thomas Seay, 1886.

Thomas G. Jones, 1890.

William C. Oates, 1894.

Joseph F. Johnston, 1896.

William J. Samford, 1900.

LIEUTENANT GOVERNORS.

(The office of Lieutenant Governor was created by the Constitution of 1867 and abolished by the Constitution of 1875.)

A. J. Applegate, 1868.

Edward H. Moren, 1870.

Alexander McKinstry, 1872.

Robert F. Ligon, 1874.

SECRETARIES OF STATE.

Henry Hitchcock (Territorial Secretary).	Patrick Ragland, 1872.
Thomas A. Rodgers, 1819.	Neander H. Rice, 1872.
James J. Plesants, 1822.	Rufus K. Boyd, 1874.
James I. Thornton, 1824.	W. W. Screws, 1878.
Edmund A. Webster, 1834.	Ellis Phelan, 1892.
Thomas B. Tunstall, 1836.	C. C. Langdon, 1896.
William Garrett, 1840.	Joseph D. Barron, 1890.
Vincent M. Benham, 1852.	James K. Jackson, 1904.
James H. Weaver, 1856.	Robert P. McDavid, 1898.
Patrick H. Brittan, 1860.	
Albert Elmore, 1863.	
David L. Dalton, 1865-67.	
Micah Taul, 1867.	
Charles A. Miller, 1868 (under Reconstruction Acts of Congress).	
Jabez J. Parker, 1870.	

STATE TREASURERS.

Jack Ferrell Rose, 1819.	I. H. Vincent, 1878.
John C. Perry, 1822.	Frederick H. Smith, 1884.
Hardin Perkins, 1829.	John L. Cobb, 1899.
William Hawn, 1834.	J. Craig Smith, 1892.
Samuel G. Frierson, 1840.	George W. Ellis, 1896.
William Graham, 1846.	J. Craig Smith, 1900.
Duncan B. Graham, 1860.	
L. P. Saxon, 1863.	
Arthur Bingham, 1868 (under Reconstruction Acts of Congress).	
James F. Grant, 1870.	
Arthur Bingham, 1872.	
Daniel Crawford, 1874.	

STATE COMPTROLLERS OR AUDITORS.

Samuel Pickens, 1819.	Cyrus D. Hogue, 1866.
George W. Crabb, 1820.	John Purifoy, 1892.
Jefferson C. Van Dyke, 1836.	Walter S. White, 1896.
Joel Riggs, 1848.	Thomas L. Sowell, 1900.
William J. Greene, 1855.	
M. A. Chisholm, 1865.	
R. M. Reynolds, 1868 (under Reconstruction Acts of Congress).	
Robert T. Smith, 1872.	
Willis Brewer, 1876.	
J. M. Carmichael, 1880.	
M. C. Burke, 1884.	

STATE OFFICERS.

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ATTORNEYS-GENERAL.

Henry Hitchcock, 1819.
Thomas White, 1823.
Constantine Perkins, 1835.
Peter Martin, 1832.
A. B. Neck, 1836.
John D. Phelan, 1838.
Lincoln Clark, 1838.
Mathew W. Lindsay, 1839.
Thomas D. Clarke, 1843.
William H. Martin, August, 1847.
Marion A. Baldwin, 1847.
John W. A. Sanford, 1865.
Joshua Morse, 1868.
John W. A. Sanford, 1870.
Benjamin Gardner, 1872.

John W. A. Sanford, 1874.
H. C. Tompkins, 1878.
T. N. McClellan, 1884.
William L. Martin, 1890.
William C. Fitts, 1894.
Charles G. Brown, 1898.

SUPERINTENDENTS OF PUBLIC INSTRUCTION.

(This office was created in 1864.)

William F. Perry, 1864.
Gabriel B. du Val, 1868.
W. C. Allen, 1864.
John B. Taylor, 1865.
John B. Ryan, 1866.
N. B. Cloud, 1868 (under Reconstruction
Acts of Congress).
Joseph Hodgson, 1870.
Joseph H. Speed, 1872.
John M. McKleroy, 1874.
Leroy F. Box, 1876.
H. C. Armstrong, 1890.

Solomon Palmer, 1864.
John G. Harris, 1890.
John O. Turner, 1894.
John W. Abercrombie, 1898.

COMMISSIONERS OF AGRICULTURE.

(This office was created in 1863 and made elective in 1891.)

Edward C. Betts (appointed), 1863.
R. F. Kolb (appointed), 1867.
Hector D. Lane (appointed), 1891; (elected),
1892.

I. F. Cullver, 1896.
R. R. Poole, 1900.

JUDGES OF THE SUPREME COURT.

Until 1833 the Supreme Court was composed of the judges of the Circuit Court sitting collectively. From that year until 1852, the Supreme Court consisted of three justices. In 1852 the number was increased to five, but this law was repealed in 1854.

CHIEF JUSTICES :

Clement C. Clay, 1830.
 Abner S. Lipecomb, 1833.
 Reuben Saffold, 1835.
 Henry Hitchcock, 1836.
 Arthur F. Hopkins, 1836.
 Henry W. Collier, 1837.
 Edward S. Dargan, 1849.
 William P. Chilton, 1852.
 George Goldthwaite, 1856.
 Samuel F. Rice, 1856.
 Abram J. Walker, 1859.
 Ellsha W. Peck, 1868.
 Thomas M. Peters, 1873.
 R. C. Brickell, 1874.
 George W. Stone, 1884.
 R. C. Brickell, 1904.
 Thomas N. McClellan, 1896.

JUSTICES :

Clement C. Clay, 1819.
 Abner S. Lipecomb, 1819.
 Henry Y. Webb, 1819.
 Richard Ellis, 1819.
 Reuben Saffold, 1819.
 Henry Minor, 1823.
 John Gayle, 1823.
 John White, 1825.
 John M. Taylor, 1825.
 Sion L. Perry, 1828.
 Eli Shortridge, 1836.
 Henry W. Collier, 1838.
 Harry I. Thornton, 1853.

Henry Hitchcock, 1835.
 Arthur F. Hopkins, 1836.
 Henry W. Collier, 1836.
 Henry Goldthwaite, 1836.
 John J. Ormond, 1837.
 Clement C. Clay, 1843.
 Henry Goldthwaite, 1843.
 Edward S. Dargan, 1847.
 William P. Chilton, 1847.
 Silas Parsons, 1849.
 Daniel Coleman, 1851.
 David G. Ligon, 1851.
 George Goldthwaite, 1852.
 John D. Phelan, 1852.
 Lyman Gibbons, 1852.
 Samuel F. Rice, 1855.
 Abram J. Walker, 1856.
 George W. Stone, 1856.
 Richard W. Walker, 1859.
 John D. Phelan, 1864.
 William McKendree Byrd, 1866.
 Thomas J. Judge, 1866.
 Thomas M. Peters, 1868.
 Benjamin F. Saffold, 1868.
 R. C. Brickell, 1873.
 Thomas J. Judge, 1874.
 Amos W. Manning, 1874.
 George W. Stone, 1878.
 H. M. Somerville, 1880.
 David Clopton, 1884.
 T. N. McClellan, 1889.
 Thomas W. Coleman, 1890.
 Richard W. Walker, 1891.
 W. S. Thorington, 1892.
 J. B. Head, 1892.
 Jonathan Haralson, 1893.
 John R. Tyson, 1896.
 Henry A. Sharpe, 1896.
 James R. Dowdell, 1896.

STATE OFFICERS.

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SENATORS IN CONGRESS.

United States Senators.

William R. King, 1819-1844.
John W. Walker, 1819-1822.
William Kelly, 1823-1825.
Henry Chambers, 1825-1826.
Israel Pickens, April 10-Dec. 21, 1836.
John McKinley, 1826-1831.
Gabriel Moore, 1831-1837.
Clement C. Clay, 1837-1841.
Arthur P. Bagby, 1841-1848.
William R. King, 1848-1853.
Dixon Hall Lewis, 1844-1848.
Benjamin Fitzpatrick, 1848-1849.
Jeremiah Clemens, 1849-1853.
Clement C. Clay, 1853 (withdrew) 1860.
Benjamin Fitzpatrick, 1853 (withdrew) 1861.

Confederate States Senators.

William L. Yancey, 1861-1863.
Clement C. Clay, 1862-1864.
Robert Jemison, 1863-1865.
Richard W. Walker, 1864-1865.

United States Senators.

George S. Houston, 1865.	} Elected, but not seated.
Lewis E. Parsons, 1865.	
John A. Winston, 1867.	
Willard Warner, 1868-1871.	
George E. Spencer, 1868-1870.	
George Goldthwaite, 1873-1877.	
John T. Morgan, 1877.	
George S. Houston, 1879-1883.	
James G. Pugh, 1893-1897.	
Edmund Winston Pettus, 1897.	

REPRESENTATIVES IN CONGRESS.

SIXTEENTH CONGRESS, 1819-1821.

John Crowell.

SEVENTEENTH CONGRESS, 1821-1823.

Gabriel Moore.

EIGHTEENTH CONGRESS, 1823-1825.

John McKee, Gabriel Moore, George W. Owen.

NINETEENTH CONGRESS, 1825-1827.

John McKee, Gabriel Moore, George W. Owen.

TWENTIETH CONGRESS, 1827-1829.

John McKee, Gabriel Moore, George W. Owen.

TWENTY-FIRST CONGRESS, 1829-1831.

Robert E. B. Baylor, Clement C. Clay, Dixon H. Lewis.

TWENTY-SECOND CONGRESS, 1831-1833.

Clement C. Clay, Dixon H. Lewis, Samuel W. Mardis.

TWENTY-THIRD CONGRESS, 1833-1835.

C. C. Clay, Dixon H. Lewis, Samuel W. Mardis, John McKinley, John Murphy.

TWENTY-FOURTH CONGRESS, 1835-1837.

Reuben Chapman, Joab Lawler, Dixon H. Lewis, Joshua L. Martin, Francis S. Lyon.

TWENTY-FIFTH CONGRESS, 1837-1839.

Reuben Chapman, Joab Lawler (1837-1838), George W. Crabb (1838-1839), Dixon H. Lewis, Joshua L. Martin, Francis S. Lyon.

TWENTY-SIXTH CONGRESS, 1839-1841.

Reuben Chapman, George W. Crabb, James Dellet, David Hubbard, Dixon H. Lewis.

TWENTY-SEVENTH CONGRESS, 1841-1843.

Reuben Chapman, George S. Houston, Dixon H. Lewis, William W. Payne, Benjamin D. Shields.

TWENTY-EIGHTH CONGRESS, 1843-1845.

James E. Belser, Reuben Chapman, James Dellet, G. S. Houston, Dixon H. Lewis (to 1844), F. G. McConnell, W. W. Payne, William L. Yancey (1844.)

*Representatives in Congress.***TWENTY-NINTH CONGRESS, 1845-1847.**

Reuben Chapman, Edward S. Dargan,
Henry W. Hilliard, G. S. Houston, F.
G. McConnell, W. W. Payne, W. L.
Yancey (to 1846), Franklin W. Bowdon
(1846), James L. F. Cottrell (1846).

THIRTIETH CONGRESS, 1847-1849.

Franklin W. Bowdon, W. R. W. Cobb,
John Gayle, Sampson W. Harris,
Henry W. Hilliard, George S. Houston,
Samuel W. Inge.

THIRTY-FIRST CONGRESS, 1849-1851.

W. J. Alston, Franklin W. Bowdon, W.
R. W. Cobb, S. W. Harris, H. W. Hil-
liard, David Hubbard, S. W. Inge.

THIRTY-SECOND CONGRESS, 1851-1853.

James Abercrombie, John Bragg, W. R.
W. Cobb, S. W. Harris, G. S. Houston,
W. R. Smith, Alexander White.

THIRTY-THIRD CONGRESS, 1853-1855.

James Abercrombie, W. R. W. Cobb,
James F. Dowdell, S. W. Harris,
George S. Houston, Philip Phillips,
William R. Smith.

THIRTY-FOURTH CONGRESS, 1855-1857.

W. R. W. Cobb, James F. Dowdell, S.
W. Harris, George S. Houston, Eli S.
Shorter, William R. Smith, Percy
Walker.

THIRTY-FIFTH CONGRESS, 1857-1859.

W. R. W. Cobb, James L. M. Curry,
James F. Dowdell, George S. Houston,
Sydenham Moore, Eli S. Shorter, James
A. Stallworth.

THIRTY-SIXTH CONGRESS, 1859-1861.

David Clopton, W. R. W. Cobb, Jabez
L. M. Curry, George S. Houston, Syden-
ham Moore, James L. Pugh, James A.
Stallworth.

(Alabama was not represented in the Thirty-
seventh or the Thirty-eighth Congress.)

In Confederate Congress.

William P. Chilton, 1861-1865.
J. L. M. Curry, 1861-1864.
Thomas Fearn, 1861.
David Lewis, 1861.
Stephen F. Hale, 1861-1862.
Henry C. Jones, 1861.

Colin J. McRae, 1861-1862.

John G. Shorter, 1861-1862.

Robert H. Smith, 1861-1862.

Richard W. Walker, 1861-1862.

Cornelius Robinson, 1861-1862.

Nicholas Davis, 1861-1862.

Edward S. Dargan, 1862-1864.

John P. Ralls, 1862-1864.

David Clopton, 1862-1865.

Thomas J. Foster, 1862-1865.

Francis S. Lyon, 1862-1865.

James L. Pugh, 1862-1865.

William R. Smith, 1862-1865.

Marcus D. Cruikshank, 1864-1865.

James S. Dickinson, 1864-1865.

*United States Congress.***THIRTY-NINTH CONGRESS, 1865-1867.**

(Representatives elected in the Recon-
struction period, but denied seats.)
Charles C. Langdon, George C. Free-
man, Cullen A. Battle, Joseph W.
Taylor, Burwell T. Pope, Thomas J.
Foster.

FORTIETH CONGRESS, 1867-1869.

F. W. Kellogg, Charles W. Buckley, Ben-
jamin W. Norris, Charles W. Pierce,
John B. Callis, Thomas Haughey.
(These took their seats in 1868.)

FORTY-FIRST CONGRESS, 1869-1871.

Alfred E. Buck, Charles W. Buckley,
Robert S. Heflin, Charles Hays, Peter
M. Dox, W. C. Sherrod.

FORTY-SECOND CONGRESS, 1871-1873.

Benjamin F. Turner, Charles W. Buckley,
William A. Handley, Charles Hays,
Peter M. Dox, Joseph H. Sloss.

FORTY-THIRD CONGRESS, 1873-1875.

F. G. Bromberg, J. T. Napier, C. Pelham,
C. Hays, John H. Caldwell, Joseph H.
Sloss, Alexander White, C. C. Sheats.

FORTY-FOURTH CONGRESS, 1875-1877.

W. H. Forney, B. B. Lewis, J. Haralson,
J. H. Caldwell, J. N. Williams, Paul
Bradford, C. Hays, G. W. Hewitt.

FORTY-FIFTH CONGRESS, 1877-1879.

James T. Jones, Hillary A. Herbert, J. N.
Williams, C. M. Shelby, Robert F.
Ligon, G. W. Hewitt, William H. For-
ney, William W. Garth.

STATE OFFICERS.

Forty-sixth Congress, 1879-1881.

James H. Herndon, Hilary A. Herbert,
William J. Sanford, Charles M. Shel-
ley, Thomas Williams, B. B. Lewis.
William H. Forney, William M. Lowe.

Forty-seventh Congress, 1881-1883.

Thomas A. Herndon, Hilary A. Herbert,
William C. Oates, C. M. Shelley,
Thomas Williams, G. W. Hewitt, Wil-
liam H. Forney, Joseph Wheeler.

Forty-eighth Congress, 1883-1885.

James T. Jones, Hilary A. Herbert, Wil-
liam C. Oates, C. M. Shelley, Thomas
Williams, G. W. Hewitt, William H.
Forney, Lake Pryor.

Forty-ninth Congress, 1885-1887.

James T. Jones, Hilary A. Herbert, Wil-
liam C. Oates, A. C. Davidson, T. W.
Sadler, J. M. Martin, William H. For-
ney, Joseph Wheeler.

Fiftieth Congress, 1887-1889.

James T. Jones, Hilary A. Herbert, Wil-
liam C. Oates, A. C. Davidson, James
E. Cobb, John H. Bankhead, William
H. Forney, Joseph Wheeler.

Fifty-first Congress, 1889-1891.

Richard Clarke, Hilary A. Herbert, Wil-
liam C. Oates, John V. McDuffie (in
place of Louis W. Turpin, unseated),
James E. Cobb, J. H. Bankhead, Wil-
liam H. Forney, Joseph Wheeler.

Fifty-second Congress, 1891-1893.

Richard H. Clarke, Hilary A. Herbert,
William C. Oates, Louis W. Turpin,
James E. Cobb, J. H. Bankhead, Wil-
liam H. Forney, Joseph Wheeler.

Fifty-third Congress, 1893-1895.

R. H. Clarke, Jesse F. Stallings, William
C. Oates, Gaston A. Robbins, James E.
Cobb, J. H. Bankhead, W. H. Denson,
Joseph Wheeler, L. W. Turpin.

Fifty-fourth Congress, 1895-1897.

R. H. Clarke, J. F. Stallings, George P.
Harrison, William F. Aldrich (to suc-
ceed Gaston A. Robbins, unseated in
1896), A. T. Goodwyn (to succeed J. E.
Cobb, unseated in 1896), John H. Bank-
head, M. W. Howard, Joseph Wheeler,
Oscar W. Underwood.

Fifty-fifth Congress, 1897-1899.

George W. Taylor, J. F. Stallings,
D. Clayton, W. F. Aldrich (to
T. S. Flowman, unseated)
White Brewer, John H. Bank-
head, W. Howard, Joseph Wheeler,
Underwood.

Fifty-sixth Congress, 1899-1901.

George W. Taylor, J. F. Stallings,
D. Clayton, G. A. Robbins
Brewer, J. H. Bankhead, John
nett, J. Wheeler, G. W. Under-

CONSTITUTION
OF THE
STATE OF ALABAMA
1875.

PREAMBLE.

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure to ourselves and to our posterity, life, liberty, and property, profoundly grateful to Almighty God for this inestimable right and invoking His favor and guidance, do ordain and establish the following Constitution and form of government for the State of Alabama:

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general, and essential principles of liberty and free government may be recognized and established, we declare

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

2. That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama, possessing equal civil and political rights.

3. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government, in such manner as they may deem expedient.

4. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship, nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust, under this State; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

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5. That any citizen may speak, write, and publish his sentiments on all subject being responsible for the abuse of that liberty.

6. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures or searches, and that no warrant shall issue to search a place, or to seize any person or thing without probable cause, supported by oath or affirmation.

7. That in all criminal prosecutions, the accused has a right to be heard by himself or counsel, or either; to demand the nature and cause of the accusation; to have assistance of counsel; to be confronted by the witnesses against him; to have compulsory process obtaining witnesses in his favor; and in all prosecutions by indictment a speedy, public trial, by an impartial jury of the county or district in which the offense was committed and that he shall not be compelled to give evidence against himself, nor be deprived his life, liberty, or property, but by due process of law.

8. That no person shall be accused, or arrested, or detained, except in cases ascertainable by law, and according to the forms which the same has prescribed; and, no person shall be punished, but by virtue of a law established and promulgated prior to the offense, and legally applied.

9. That no person shall, for any indictable offense, be proceeded against criminally by information; except in cases arising in the militia and volunteer forces when actual service, or, by leave of the court, for misdemeanor, misdemeanor, extortion, or oppression in office, otherwise than is provided in this Constitution; *Provided*, That cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy and other misdemeanors, the General Assembly may, by law, dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace, or in other inferior courts, as may be by law established.

10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

11. That no person shall be debarred from prosecuting or defending, before a tribunal in this State, by himself or counsel, any civil cause to which he is a party.

12. That the right of trial by jury shall remain inviolate.

13. That in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts, under the direction of the court.

14. That all courts shall be open; and that every person, for any injury done him, his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

15. That the State of Alabama shall never be made defendant in any court of law or equity.

16. That excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

17. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident, or the presumption great. Excessive bail shall not, in any case, be required.

18. The privilege of the writ of *Habeas corpus* shall not be suspended by the authorities of this State.

19. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his confession in open court.

20. That no person shall be attainted of treason by the General Assembly ; and that no conviction shall work corruption of blood or forfeiture of estate.

21. That no person shall be imprisoned for debt.

22. That no power of suspending laws shall be exercised, except by the General Assembly.

23. That no *ex post facto* law, nor any law impairing the obligation of contracts, or making any irrevocable grants of special privileges, or immunities, shall be passed by the General Assembly.

24. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use the same as individuals. But private property shall not be taken or applied for public use, unless just compensation be first made therefor ; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owners ; *Provided*, however, That the General Assembly may, by law, secure to persons or corporations the right-of-way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved, but just compensation shall, in all cases, be first made to the owner ; *And, provided*, That the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

25. That all navigable waters shall remain forever public highways, free to the citizens of the State, and of the United States, without tax, impost, or toll ; and that no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by law.

26. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

27. That every citizen has a right to bear arms in defense of himself and the State.

28. That no standing army shall be kept up without the consent of the General Assembly, and in that case no appropriation for its support shall be made for a longer term than one year ; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

29. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

30. That no title of nobility or hereditary distinction, privilege, honor, or emolument shall ever be granted or conferred in this State ; and that no office shall be created the appointment to which shall be for a longer time than during good behavior.

31. That immigration shall be encouraged ; emigration shall not be prohibited, and that no citizen shall be exiled.

32. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

33. That no form of slavery shall exist in this State ; and there shall be no involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

34. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

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35. The people of this State accept as final the established fact, that from the Federal Union there can be no secession of any State.

36. Foreigners who are or may hereafter become *bona fide* residents of this State shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

37. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions, it is usurpation and oppression.

38. No educational or property qualification for suffrage or office, nor any restraint upon the same on account of race, color, or previous condition of servitude, shall be made by law.

39. That this enumeration of certain rights shall not impair or deny others retained by the people.

ARTICLE II.

STATE AND COUNTY BOUNDARIES.

1. The boundaries of this State are established and declared to be as follows ; that is to say : Beginning at the point where the thirty-first degree of north latitude crosses the Perdido River, thence east to the western boundary line of the State of Georgia ; thence along said line to the southern boundary line of the State of Tennessee ; thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee River, and on to the second intersection of said river by said line ; thence up said river to the mouth of Big Bear Creek ; thence by a direct line to the northwest corner of Washington County, in this State, as originally formed ; thence southerly along the line of the State of Mississippi to the Gulf of Mexico ; thence eastwardly, including all islands within six leagues of the shore, to the Perdido River ; thence up the said river to the beginning.

2. The boundaries of the several counties of this State, as heretofore established by law, are hereby ratified and confirmed. The General Assembly may, by a vote of two-thirds of both houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote ; but no new counties shall be hereafter formed of less extent than six hundred square miles, and no existing county shall be reduced to less extent than six hundred square miles ; and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one representative, under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants entitling such county or counties to separate representation.

ARTICLE III.

DISTRIBUTION OF POWERS OF GOVERNMENT.

1. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit : Those which are legislative to one ; those which are executive to another ; and those which are judicial to another.

2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

2. The style of the laws of this State shall be : "Be it enacted by the General Assembly of Alabama." Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes ; and no law shall be revised, amended, or the provisions thereof extended or conferred, by reference to its title only ; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length.

3. Senators and Representatives shall be elected by the qualified electors on the first Monday in August, eighteen hundred and seventy-six, and one half of the Senators and all of the Representatives shall be elected every two years thereafter, unless the General Assembly shall change the time of holding elections. The term of the office of the Senators shall be four years, and that of the Representatives two years, commencing on the day after the general election, except as otherwise provided in this Constitution.

4. Senators shall be at least twenty-seven years of age, and Representatives twenty-one years of age ; they shall have been citizens and inhabitants of this State for three years, and inhabitants of their respective counties or districts one year next before their election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken ; and they shall reside in their respective counties or districts during their terms of service.

5. The General Assembly shall meet biennially, at the capitol, in the Senate Chamber and in the Hall of the House of Representatives (except in cases of destruction of the capitol, or epidemics, when the Governor may convene them at such place in the State as he may deem best), on the day specified in this Constitution, or on such other day as may be prescribed by law, and shall not remain in session longer than sixty days at the first session held under this Constitution, nor longer than fifty days at any subsequent session.

6. The pay of the members of the General Assembly shall be four dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route travelled.

7. The General Assembly shall consist of not more than thirty-three Senators, and not more than one hundred members of the House of Representatives, to be apportioned among the several districts and counties as prescribed in this Constitution.

8. The Senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members President thereof, and the House of Representatives, at the beginning of each regular session, shall elect one of its members as Speaker ; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices, respectively, until their successors are elected and qualified. Each house shall choose its own officers, and shall judge of the election returns and qualifications of its members.

9. At the general election, in the year eighteen hundred and seventy-six, Senators shall be elected in the even-numbered districts, to serve for two years, and in the odd-numbered districts to serve for four years, so that hereafter one-half the Senators may be chosen biennially. Members of the House of Representatives shall be elected at the general election every second year. The time of service of Senators and Representatives

shall begin on the day after their election, except the terms of those elected in the year eighteen hundred and seventy-six, which shall not begin until the terms of the present members shall have expired. Whenever a vacancy shall occur in either house, the Governor for the time being shall issue a writ of election to fill such vacancy for the remainder of the term.

10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties, as each house may provide.

11. Each house shall have power to determine the rules of its proceedings, and to punish its members, or other persons, for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or corrupt solicitation, and with the concurrence of two-thirds of either house to expel a member, but not a second time for the same cause, and shall have all the powers necessary for the Legislature of a free State.

12. A member of either house expelled for corruption shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

13. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house, on any question shall, at the desire of one-tenth of the members present, be entered on the journals. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals.

14. Members of the General Assembly shall, in all cases except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same, and for any speech or debate in either house they shall not be questioned in any other place.

15. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

17. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

18. No person hereafter convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

19. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

20. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom.

21. Every bill shall be read on three different days in each house, and no bill shall become a law unless on its final passage it be read at length and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.

22. No amendments to bills by one house shall be concurred in by the other, except by a vote of a majority thereof, taken by yeas and nays, and the names of those voting for

and against recorded upon the journals; and reports of committees of conference shall in like manner be adopted in each house.

23. No special or local law shall be enacted for the benefit of individuals or corporations in cases which are or can be provided for by a general law, or where the relief sought can be given by any court of this State. Nor shall the operation of any general law be suspended by the General Assembly for the benefit of any individual, corporation, or association.

24. No local or special law shall be passed, on a subject which can not be provided for by a general law, unless notice of the intention to apply therefor shall have been published in the locality where the matter or things to be affected may be situated, which notice shall be at least twenty days prior to the introduction into the General Assembly of such bill; the evidence of such notice having been given, shall be exhibited to the General Assembly, before such bill shall be passed; *Provided*, That the provisions of this Constitution, as to special or local laws, shall not apply to public or educational institutions of or in this State, nor to industrial, mining, immigration, or manufacturing corporations or interests, or corporations for constructing canals, or improving navigable rivers or harbors of this State.

25. The General Assembly shall pass general laws, under which local and private interests shall be provided for and protected.

26. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and it shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts, or parts of acts, heretofore passed by the General Assembly of this State, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

27. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the General Assembly, after the titles have been publicly read immediately before signing, and the fact of signing shall be entered on the journal.

28. The General Assembly shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made from the State Treasury, or be in any way authorized to any person, except to an acting officer or employee, elected or appointed in pursuance of law.

29. No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after the services shall have been rendered, or contract made; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law.

30. All stationery, printing, paper, and fuel used in the legislative and other departments of government, shall be furnished, and the printing, binding, and distribution of laws, journals, department reports, and all other printing and binding, and repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, State Auditor, and State Treasurer.

31. All bills for raising revenues shall originate in the House of Representatives; but the Senate may propose amendments, as in other bills.

32. The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative, and Judicial departments of the State, interest on the public debt, and for the public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

33. No money shall be paid out of the Treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof: and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

34. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than Normal schools, established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each house.

35. No act of the General Assembly shall authorize the investment of any trust fund by executors, administrators, guardians, and other trustees, in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

36. The power to change the venue, in civil and criminal causes, is vested in the courts, to be exercised in such manner as shall be provided by law.

37. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such sessions.

38. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity; but any county or municipality may appoint such officers, when authorized by law.

39. No act of the General Assembly changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting on the same, and such act shall specify the proposed new location.

40. A member of the General Assembly who shall corruptly solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, reward, thing of value, or enjoyment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantages, matter, or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for such offense, and such additional punishment as is, or shall be, provided by law.

41. Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

42. The offense of corrupt solicitation of members of the General Assembly, or of public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such member, or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

43. A member of the General Assembly, who has a personal or private interest in any measure or bill, proposed or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

44. In all elections by the General Assembly, the members shall vote *vis voce*, and the votes shall be entered on the journals.

45. It shall be the duty of the General Assembly to pass such laws as may be neces-

sary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that mode of adjustment.

46. It shall be the duty of the General Assembly, at its first session after the ratification of this Constitution, and within every subsequent period of ten years, to make provision by law for the revision, digesting, and promulgating of the public statutes of this State of a general nature, both civil and criminal.

47. The General Assembly shall pass such penal laws as they may deem expedient to suppress the evil practice of duelling.

48. It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacities, and the amount of such deductions.

49. It shall be the duty of the General Assembly to require the several counties of this State to make adequate provision for the maintenance of the poor.

50. The General Assembly shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this State.

51. In the event of annexation of any foreign territory to this State, the General Assembly shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, anything in this Constitution to the contrary notwithstanding.

52. The General Assembly shall not tax the property, real and personal, of the State, counties, or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town, to the extent of one acre, nor lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; nor such property, real or personal, to an extent not exceeding twenty-five thousand dollars in value, as may be used exclusively for agricultural or horticultural associations of a public character.

53. The General Assembly shall by law prescribe such rules and regulations as may be necessary to ascertain the value of personal and real property exempted from sale under legal process by this Constitution, and to secure the same to the claimant thereof as selected.

54. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money, or its credit to any individual, association, or corporation.

55. The General Assembly shall have no power to authorize any county, city, town, or other subdivision of this State, to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in any such corporation, association, or company, by issuing bonds or otherwise.

56. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the General Assembly shall have no power to revive any right or remedy which may have become barred by lapse of time or by any statute of this State.

ARTICLE V.

EXECUTIVE DEPARTMENT.

1. The Executive Department shall consist of a Governor, Secretary of State, State Treasurer, State Auditor, Attorney-General, and Superintendent of Education, and a Sheriff for each county.

2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama."

3. The Governor, Secretary of State, State Treasurer, State Auditor, and Attorney-General, shall be elected by the qualified electors of this State, at the same time and places appointed for the election of members of the General Assembly.

4. The returns of every election for Governor, Secretary of State, State Auditor, State Treasurer, and Attorney-General, shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which said returns shall be made, open and publish them in the presence of both houses of the General Assembly in joint convention. The person having the highest number of votes for either of said offices shall be declared duly elected; but, if two or more shall have an equal and the highest number of votes for the same office, the General Assembly, by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Secretary of State, State Auditor, State Treasurer, and Attorney-General, shall be determined by both houses of the General Assembly, in such manner as may be prescribed by law.

5. The Governor, Secretary of State, State Treasurer, State Auditor, and Attorney-General, shall hold their respective offices for the term of two years from the time of their installation in office, and until their successors shall be elected and qualified.

6. The Governor shall be at least thirty years of age when elected, and shall have been a citizen of the United States ten years, and a resident citizen of this State at least seven years next before the day of his election.

7. The Governor, Secretary of State, State Treasurer, State Auditor, and Attorney-General, shall reside at the seat of government of this State during the time they continue in office, except in cases of epidemics; and they shall receive compensation for their services, which shall be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected.

8. The Governor shall take care that the laws be faithfully executed.

9. The Governor may require information in writing under oath, from the officers of the Executive Department on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices and institutions; and any such officer or manager who makes a false report shall be guilty of perjury and punished accordingly.

10. The Governor may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place if, since their last adjournment, that shall have become dangerous from an enemy, or from infectious or contagious diseases; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

11. The Governor shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient; and at the commencement of each session of the General Assembly, and at the close of his term of office, give information, by written message, of the condition of the State; and he shall account to the General Assembly, as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with the vouchers therefor; and he shall, at the commencement of each regular session, present to the General Assembly estimates of the amount of money required to be raised by taxation for all purposes.

12. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law, and after conviction, to grant reprieves, commutation of sentence, and pardons (except in cases of treason and impeachment); but

pardons in cases of murder, arson, burglary, rape, assault with attempt to commit rape, perjury, forgery, bribery, and larceny, shall not relieve from civil and political disability unless specifically expressed in the pardon. Upon conviction of treason, the Governor may suspend the execution of the sentence, and report the same to the General Assembly at the next regular session, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant further reprieve. He shall communicate to the General Assembly at every regular session, each case of reprieve, commutation, or pardon granted, with his reasons therefor; stating the name and crime of the convict, the sentence, its date and the date of reprieve, commutation, or pardon.

13. Every bill which shall have passed both houses of the General Assembly shall be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journals, and the house to which such bill shall be returned shall proceed to reconsider it; if, after such reconsideration, a majority of the whole number elected to that house shall vote for the passage of such bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered; if approved by a majority of the whole number elected to that house, it shall become a law; but, in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journals of each house respectively; if any bill shall not be returned by the Governor within five days (Sundays excepted), after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment, prevent its return, in which case it shall not be a law. And every order, vote, or resolution to which the concurrence of both houses may be necessary (except questions of adjournment and of bringing on elections by the two houses, and of amending this Constitution) shall be presented to the Governor and before the same shall take effect be approved by him, or being disapproved shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

14. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part, or parts, of the bill approved, shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto; and he shall, in writing, state specifically the item or items he disapproves.

15. In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, absence from the State, or other disability, the President of the Senate shall exercise all the power and authority appertaining to the office of Governor, until the time appointed for the election of Governor shall arrive, or until the Governor who is absent, or impeached, shall return or be acquitted, or other disability be removed; and if during such vacancy in the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, die, resign, be absent from the State, or be under any other disability, the Speaker of the House of Representatives shall, in like manner, administer the government. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President of the Senate, who shall enter upon the duties of Governor; and if the Governor and President of the Senate shall both be absent from the State over twenty days, the Secretary of State shall notify the Speaker of the House of Representatives, and in such case he shall enter upon and discharge the duties of Governor, until the return of the Governor or President of the Senate.

16. The President of the Senate and Speaker of the House of Representatives shall, during the time they respectively administer the government, receive the same compensation.

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tion which the Governor would have received if he had been employed in the duties of his office: *Provided*, That if the General Assembly shall be in session during such absence, they, or either of them, shall receive no compensation as members of the General Assembly while acting as Governor.

17. No person shall, at one and the same time, hold the office of Governor of this State and any other office, civil or military, either under this State, the United States, or any other State or government, except as otherwise provided in this Constitution.

18. The Governor shall be commander-in-chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion, but he need not command in person, unless directed to do so by a resolution of the General Assembly; and when acting in the service of the United States, he shall appoint his staff, and the General Assembly shall fix his rank.

19. No person shall be eligible to the office of Secretary of State, State Treasurer, State Auditor, or Attorney-General, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

20. There shall be a great seal of the State, which shall be used officially by the Governor; and the seal now in use shall continue to be used until another shall have been adopted by the General Assembly. The said seal shall be called the "Great Seal of the State of Alabama."

21. The Secretary of State shall be the custodian of the seal of the State, and shall authenticate therewith all official acts of the Governor, his approval of laws and resolutions excepted. He shall keep a register of the official acts of the Governor, and when necessary shall attest them, and lay copies of the same, together with copies of all papers relative thereto, before either house of the General Assembly, whenever required to do so, and shall perform such other duties as may be prescribed by law.

22. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal, and signed by the Governor, and countersigned by the Secretary of State.

23. Should the office of Secretary of State, State Treasurer, State Auditor, Attorney-General, or Superintendent of Education, become vacant, for any of the causes specified in section fifteen of this article, the Governor shall fill the vacancy, until the disability is removed, or a successor elected and qualified.

24. The State Treasurer, State Auditor, and Attorney-General shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall every year, at a time the General Assembly may fix, make a full and complete report to the Governor, showing all receipts and disbursements of revenue, of every character, all claims audited and paid by the State, by items, and all taxes and revenue collected and paid into the treasury, and from what sources; and they shall make reports oftener on any matter pertaining to their office, if required by the Governor, or the General Assembly.

25. The State Auditor, State Treasurer, and Secretary of State shall not, after the expiration of the terms of those now in office, receive to their use any fees, costs, perquisites of office, or compensation, other than their salaries as prescribed by law; and all fees that may be payable by law, for any services performed by either of such officers, shall be paid in advance into the State Treasury.

26. A Sheriff shall be elected in each county, by the qualified electors thereof, who shall hold his office for the term of four years, unless sooner removed, and shall be ineligible to such office as his own successor; *Provided*, That sheriffs elected on the first Monday in August, eighteen hundred and seventy-seven, or at such other time as may be prescribed by law for the election in that year, shall hold their offices for the term of

three years, and until their successors shall be elected and qualified. In the year eighteen hundred and eighty, at the general election for members to the General Assembly, sheriffs shall be elected for four years, as herein provided. Vacancies in the office of sheriff shall be filled by the Governor, as in other cases; and the person appointed shall continue in the office until the next general election in the county for sheriff, as provided by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

1. The judicial power of the State shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such Inferior Courts of law and equity, to consist of not more than five members, as the General Assembly may from time to time establish, and such persons as may be by law invested with powers of a judicial nature.

2. Except in cases otherwise directed in the Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law. *Provided*, That said Court shall have power to issue writs of Injunction, *habeas corpus*, *quo warranto*, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdiction.

3. The Supreme Court shall be held at the seat of government, but if that shall have become dangerous from any cause it may adjourn to a different place.

4. The State shall be divided by the General Assembly into convenient circuits, not to exceed eight in number unless increased by a vote of two-thirds of the members of each house of the General Assembly, and no circuit shall contain less than three nor more than twelve counties; and for each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

5. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within the State, not otherwise excepted in this Constitution; but in civil cases only when the matter or sum in controversy exceeds fifty dollars.

6. A Circuit Court shall be held in each county in the State at least twice in every year, and the judges of the several circuits may hold courts for each other, when they deem it expedient, and shall do so when directed by law; *Provided*, That the judges of the several Circuit Courts shall have power to issue writs of Injunction returnable into Courts of Chancery.

7. The General Assembly shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction. The State shall be divided by the General Assembly into convenient chancery divisions, not exceeding three in number, unless an increase shall be made by a vote of two-thirds of each house of the General Assembly taken by yeas and nays and entered upon the journals; and the division shall be divided into districts, and for each division there shall be a Chancellor, who shall, at the time of his election or appointment, and during his continuance in office, reside in the division for which he shall have been elected or appointed.

8. A Chancery Court shall be held in each district, at a place to be fixed by law, at least once in each year, and the chancellors may hold courts for each other, when they deem it necessary.

9. The General Assembly shall have power to establish in each county within the State a Court of Probate, with general jurisdiction for the granting of letters testamentary and of administration, and for orphans' business.

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10. The judges of the Supreme Court, Circuit Courts, and Chancellors shall, at stated times, receive for their services a compensation, which shall not be diminished during their official terms, but they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State or the United States, or any other power, during the term for which they have been elected.

11. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

12. The Chief Justice and Associate Justices of the Supreme Court, judges of the Circuit Courts, Probate Courts, and Chancellors, shall be elected by the qualified electors of the State, circuits, counties, and chancery divisions for which such courts may be established, at such times as may be prescribed by law.

13. The judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the General Assembly may prescribe.

14. The judges of the Supreme Court, Circuit Courts, Chancellors, and the judges of the City Courts, shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall not be less than twenty-five years of age, and learned in the law.

15. The Chief Justice and Associate Justices of the Supreme Court, circuit judges, Chancellors, and probate judges shall hold office for the term of six years and until their successors are elected or appointed and qualified; and the right of such judges and chancellors to hold their office for the full term hereby prescribed, shall not be affected by any change hereafter made by law in any circuit, division, or county in the mode or time of election.

16. The judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State; the judges of the Circuit Courts within their respective circuits, and the judges of the inferior courts within their respective jurisdictions, shall in like manner be conservators of the peace.

17. Vacancies in the office of any of the judges or chancellors of this State shall be filled by appointment by the Governor, and such appointee shall hold his office for the unexpired term and until his successor is elected or appointed and qualified.

18. If in any case, civil or criminal, pending in any circuit, chancery, or city court in this State, the presiding judge or chancellor shall, for any legal cause, be incompetent to try, hear, or render judgment in such case, the parties or their attorneys of record, if it be a civil case, or the solicitor or other prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge or chancellor, to sit as a court and to hear, decide, and render judgment in the same manner and to the same effect as a judge of the Circuit, or City Court, or Chancellor, sitting as a court might do in such case. If the case be a civil one and the parties, or their attorneys of record do not agree, or if the case be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special judge or chancellor, or if either party in a civil case is not represented in court, the clerk of the Circuit or City Court, or register in Chancery of the court in which said cause is pending, shall appoint the special judge or chancellor, who shall preside, try, and render judgment as in this section provided.

19. The General Assembly shall have power to provide for the holding of circuit and chancery courts in this State, when the judges or chancellors thereof fail to attend regular terms.

20. No judge of any court of record in this State, shall practice law in any of the courts of this State or of the United States.

21. Registers in chancery shall be appointed by the chancellors of the divisions, and shall hold office during the term of the chancellor making such appointment; and such

registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law.

22. A clerk of the Supreme Court shall be appointed by the judges thereof, and shall hold office during the term of the judges making the appointment, and clerks of such inferior courts as may be established by law, shall be appointed by the judges thereof, and shall hold office during the term of the judge making such appointment.

23. Clerks of the Circuit Court shall be elected by the qualified electors in each county, for the term of six years. Vacancies in such office shall be filled by the Governor for the unexpired term.

24. The clerk of the Supreme Court and registers in Chancery may be removed from office by the judges of the Supreme Court and chancellors respectively, for cause, to be entered at length upon the records of the court.

25. A solicitor for each judicial circuit shall be elected by joint ballot of the General Assembly, who shall be learned in the law, and who shall, at the time of his election, and during his continuance in office, reside in the circuit for which he is chosen, and whose term of office shall be for six years; *Provided*, That the General Assembly, at the first session thereof after the ratification of this Constitution shall, by joint ballot, elect a solicitor for each judicial circuit of the State, whose term of office shall begin on Tuesday after the first Monday in November, eighteen hundred and seventy-six, and continue for four years; *And provided*, That the General Assembly may, when necessary, provide for the election or appointment of county solicitors.

26. There shall be elected by the qualified electors of each precinct of the counties, not exceeding two Justices of the Peace and one Constable. Such justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed one hundred dollars, except in cases of libel, slander, assault and battery, and ejectment. In all cases tried before such justices, the right of appeal, without prepayment of costs, shall be secured by law; *Provided*, That the Governor may appoint one Notary Public for each election precinct in counties, and one for each ward in cities of over five thousand inhabitants, who, in addition to the powers of notary, shall have and exercise the same jurisdiction as justices of the peace within the precincts and wards for which they are respectively appointed; *And provided*, That notaries public without such jurisdiction may be appointed. The term of office of such justices and notaries public shall be prescribed by law.

27. An Attorney-General shall be elected by the qualified electors of the State at the same time and places of election of members of the General Assembly, whose term of office shall be for two years, and until his successor is elected and qualified. After his election he shall reside at the seat of government, and shall be the law officer of the State, and shall perform such duties as may be required of him by law.

28. The style of all process shall be "The State of Alabama," and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

ARTICLE VII.

IMPEACHMENTS.

1. The Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Education, and judges of the Supreme Court, may be removed from office for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude while in office, or committed under color thereof or connected therewith, by the Senate, sitting as a court for that purpose, under oath or affirmation, on articles or charges preferred by the House of Representatives.

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2. The chancellors, judges of the Circuit Courts, judges of the Probate Courts, solicitors of the Circuits, and judges of the Inferior Courts, from which an appeal may be taken directly to the Supreme Court, may be removed from office for any of the causes specified in the preceding section, by the Supreme Court, under such regulations as may be prescribed by law.

3. The sheriffs, clerks of the Circuit, City or Criminal Courts, tax collectors, tax assessors, county treasurers, coroners, justices of the peace, notaries public, constables, and all other county officers, mayors and intendants of incorporated cities and towns in this State, may be removed from office for any of the causes specified in section one of this article, by the Circuit, City, or Criminal Court of the county in which such officers hold their office, under such regulations as may be prescribed by law; *Provided*, That the right of trial by jury and appeal in such cases be secured.

4. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualification from holding office under the authority of this State, for the term for which he was elected or appointed; but the accused shall be liable to indictment, trial and punishment as prescribed by law.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

1. Every male citizen of the United States, and every male person of foreign birth who may have legally declared his intention to become a citizen of the United States before he offers to vote, who is twenty-one years old, or upwards, possessing the following qualifications, shall be an elector and shall be entitled to vote at any election by the people, except as hereinafter provided: First. He shall have resided in the State at least one year immediately preceding the election at which he offers to vote. Second. He shall have resided in the county for three months, and in the precinct or ward for thirty days immediately preceding the election at which he offers to vote; *Provided*, That the General Assembly may prescribe a longer or shorter residence in any precinct in any county, or in any ward in any incorporated city or town having a population of more than five thousand inhabitants, but in no case to exceed three months; *And, provided*, That no soldier, sailor, or marine, in the military or naval service of the United States, shall acquire a residence by being stationed in this State.

2. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *visa voce*.

3. The following classes shall not be permitted to register, vote, or hold office: First. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, or other crime punishable by imprisonment in the penitentiary. Second. Those who are idiots or insane.

4. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

5. The General Assembly shall pass laws, not inconsistent with this Constitution, to regulate and govern elections in this State, and all such laws shall be uniform throughout the State. The General Assembly may, when necessary, provide by law for the registration of electors throughout the State, or in any incorporated city or town thereof, and when it is so provided no person shall vote at any election unless he shall have registered, as required by law.

6. It shall be the duty of the General Assembly to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

7. Returns of elections for all civil officers who are to be commissioned by the Governor, except Secretary of State, State Auditor, State Treasurer, and Attorney-General, and for the members of the General Assembly, shall be made to the Secretary of State.

ARTICLE IX.

REPRESENTATION.

1. The whole number of senators shall be not less than one-fourth, or more than one-third, of the whole number of representatives.

2. The House of Representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States for the year eighteen hundred and eighty; which apportionment, when made, shall not be subject to alteration until the first session of the General Assembly after the next decennial census of the United States shall have been taken.

3. It shall be the duty of the General Assembly, at its first session after the taking of the decennial census of the United States in the year eighteen hundred and eighty, and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the State; *Provided*, That each county shall be entitled to at least one Representative.

4. It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in the year eighteen hundred and eighty, and after each subsequent decennial census, to fix by law the number of senators and to divide the State into as many Senatorial Districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator and no more; and which districts when formed, shall not be changed until the next apportioning session of the General Assembly after the next decennial census of the United States shall have been taken. No county shall be divided between two districts and no district shall be made of two or more counties not contiguous to each other.

5. Should the decennial census of the United States, from any cause, not be taken, or if when taken, the same as to this State is not full and satisfactory, the General Assembly shall have power, at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, and once in each ten years thereafter, upon which it shall be the duty of the General Assembly to make the appointment of representatives and senators as provided for in this article.

6. Until the General Assembly shall make an apportionment of representatives among the several counties, after the first decennial census of the United States, as herein provided, the counties of Autauga, Baldwin, Bibb, Blount, Calhoun, Chilton, Cherokee, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Dale, DeKalb, Elmore, Etowah, Escambia, Fayette, Franklin, Geneva, Henry, Lauderdale, Marion, Morgan, Monroe, Marshall, Randolph, Sanford, Shelby, St. Clair, Walker, Washington, and Winston shall each have one Representative; the counties of Barbour, Bullock, Butler, Chambers, Greene, Hale, Jackson, Jefferson, Limestone, Lawrence, Lowndes, Lee, Macon, Marengo, Perry, Pickens, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa, and Wilcox shall have each two Representatives; the county of Madison shall have three Representatives; the counties of Dallas and Montgomery shall have each four Representatives; and the county of Mobile shall have five Representatives.



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7. Until the General Assembly shall divide the State into senatorial districts as herein provided, the senatorial districts shall be as follows :

First district, Lauderdale and Limestone ; second district, Colbert and Lawrence ; third district, Morgan, Winston, and Blount ; fourth district, Madison ; fifth district, Marshall, Jackson, and DeKalb ; sixth district, Cherokee, Etowah, and St. Clair ; seventh district, Calhoun and Cleburne ; eighth district, Talladega and Clay ; ninth district, Randolph and Chambers ; tenth district, Macon and Tallapoosa ; eleventh district, Bibb and Tuscaloosa ; twelfth district, Franklin, Marion, Fayette, and Sanford ; thirteenth district, Walker, Jefferson, and Shelby ; fourteenth district, Greene and Pickens ; fifteenth district, Coosa, Elmore, and Chilton ; sixteenth district, Lowndes and Autauga ; seventeenth district, Butler and Conecuh ; eighteenth district, Perry ; nineteenth district, Choctaw, Clarke, and Washington ; twentieth district, Marengo ; twenty-first district, Monroe, Escambia, and Baldwin ; twenty-second district, Wilcox ; twenty-third district, Henry, Coffee, Dale, and Geneva ; twenty-fourth district, Barbour ; twenty-fifth district, Pike, Crenshaw, and Covington ; twenty-sixth district, Bullock ; twenty-seventh district, Lee ; twenty-eighth district, Montgomery ; twenty-ninth district, Russell ; thirtieth district, Dallas ; thirty-first district, Sumter ; thirty-second district, Hale ; thirty-third district, Mobile.

ARTICLE X.

TAXATION.

1. All taxes levied on property in this State, shall be assessed in exact proportion to the value of such property ; *Provided, however,* The General Assembly may levy a poll tax not to exceed one dollar and fifty cents on each poll, which shall be applied exclusively in aid of the public school fund, in the county so paying the same.

2. No power to levy taxes shall be delegated to individuals or private corporations.

3. After the ratification of this Constitution, no new debt shall be created against, or incurred by, this State or its authority, except to repel invasion, or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the General Assembly, and the vote shall be taken by yeas and nays, and entered on the journals ; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void ; *Provided,* The Governor may be authorized to negotiate temporary loans, never to exceed one hundred thousand dollars, to meet deficiencies in the treasury ; and until the same is paid, no new loan shall be negotiated ; *Provided, further,* That this section shall not be so construed as to prevent the issuance of bonds in adjustment of existing State indebtedness.

4. The General Assembly shall not have the power to levy, in any one year, a greater rate of taxation than three-fourths of one per centum on the value of the taxable property within this State.

5. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the taxable property therein than one-half of one per centum ; *Provided,* That to pay debts existing at the ratification of this Constitution, an additional rate of one-fourth of one per centum may be levied and collected, which shall be exclusively appropriated to the payment of such debts, or the interest thereon ; *Provided, further,* That to pay any debt or liability now existing against any county, incurred for the erection of the necessary public buildings, or other ordinary county purposes, or that may hereafter be created for the erection of the necessary public buildings or bridges, any county may levy and collect such special taxes as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same shall have been levied and collected.

6. The property of private corporations, associations, and individuals of this State, shall forever be taxed at the same rate ; *Provided*, This section shall not apply to institutions or enterprises devoted exclusively to religious, educational, or charitable purposes.

7. No city, town, or other municipal corporation, other than provided for in this article, shall levy or collect a larger rate of taxation, in any one year, on the property thereof, than one-half of one per centum of the value of such property, as assessed for State taxation during the preceding year ; *Provided*, That for the payment of debts existing at the time of the ratification of this Constitution, and the interest thereon, an additional rate of one per centum may be collected, to be applied exclusively to such indebtedness ; *And Provided*, This section shall not apply to the city of Mobile, which city may, until the first day of January, one thousand eight hundred and seventy-nine, levy a tax not to exceed the rate of one per centum, and from and after that time a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also, until the first day of January, one thousand eight hundred and seventy-nine, levy a tax not to exceed the rate of one per centum, and from and after that time, a tax not to exceed the rate of three-fourths of one per centum, to pay the existing indebtedness of said city and the interest thereon.

8. At the first session of the General Assembly after the ratification of this Constitution, the salaries of the following officers shall be reduced at least twenty-five per centum, viz. : Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, Superintendent of Education, judges of the Supreme and Circuit Courts, and Chancellors ; and after said reduction the General Assembly shall not have the power to increase the same except by a vote of a majority of all the members elected to each house, taken by yeas and nays, and entered on the journals ; *Provided*, This section shall not apply to any of said officers now in office.

9. The General Assembly shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State Treasury.

ARTICLE XI.

MILITIA.

1. All able-bodied male inhabitants of this State, between the ages of eighteen years and forty-five years, who are citizens of the United States, or have declared their intentions to become such citizens, shall be liable to military duty in the militia of the State.

2. The General Assembly, in providing for the organization, equipment, and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

3. Each company and regiment shall elect its own company and regimental officers ; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

4. Volunteer organizations of infantry, cavalry, and artillery, may be formed in such manner, and under such restrictions, and with such privileges, as may be provided by law.

5. The militia and volunteer forces shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at musters, parades, and elections, and in going to and returning from the same.

6. The Governor, shall, except as otherwise provided herein, be commander-in-chief of the militia and volunteer forces of the State, except when in the service of the United States, and shall, with the advice and consent of the Senate, appoint all general officers,



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whose term of office shall be for four years. The Governor, the generals, and regimental and battalion commanders, shall appoint their own staffs, as may be provided by law.

7. The General Assembly shall provide for the safe keeping of the arms, ammunition, and accoutrements, military records, banners, and relics of the State.

8. The officers and men of the militia and volunteer forces shall not be entitled to, or receive, any pay, rations, or emoluments, when not in active service.

ARTICLE XII.

EDUCATION.

1. The General Assembly shall establish, organize, and maintain a system of public schools throughout the State for the equal benefit of the children thereof, between the ages of seven and twenty-one years; but separate schools shall be provided for the children of citizens of African descent.

2. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State, or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

3. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons, who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

4. The General Assembly shall also provide for the levying and collection of an annual poll tax, not to exceed one dollar and fifty cents on each poll, which shall be applied to the support of the public schools in the counties in which it is levied and collected.

5. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in sections three and four of this article, with such other moneys, to be not less than one hundred thousand dollars per annum, as the General Assembly shall provide by taxation or otherwise, shall be applied to the support and maintenance of the public schools, and it shall be the duty of the General Assembly to increase, from time to time, the public school fund, as the condition of the Treasury and the resources of the State will admit.

6. Not more than four per cent. of all moneys raised, or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers, employed in such schools; *Provided*, That the General Assembly may, by a vote of two-thirds of each house, suspend the operation of this section.

7. The supervision of the public schools shall be vested in a Superintendent of Education, whose powers, duties, term of office, and compensation shall be fixed by law. The Superintendent of Education shall be elected by the qualified voters of the State in such manner and at such time as shall be provided by law.

8. No money raised for the support of the public schools of the State, shall be appropriated to or used for the support of any sectarian or denominational school.

9. The State University and the Agricultural and Mechanical College shall each be under the management and control of a Board of Trustees. The Board for the University shall consist of two members from the congressional district in which the University is located, and one from each of the other congressional districts in the State. The Board for the Agricultural and Mechanical College shall consist of two members from the congressional district in which the College is located, and one from each of the other congressional districts in the State. Said Trustees shall be appointed by the Governor, by and with

the advice and consent of the Senate, and shall hold office for a term of six years, and until their successors shall be appointed and qualified. After the first appointment each Board shall be divided into three classes, as nearly equal as may be. The seats of the first class shall be vacated at the expiration of two years, and those of the second class in four years, and those of the third class at the end of six years from the date of appointment, so that one-third may be chosen biennially. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor shall be *ex-officio* President and the Superintendent of Education *ex-officio* a member of each of said Boards of Trustees.

10. The General Assembly shall have no power to change the location of the State University or the Agricultural and Mechanical College as now established by law, except upon a vote of two-thirds of the members of the General Assembly, taken by yeas and nays and entered upon the journals.

11. The provisions of this article and of any act of the General Assembly passed in pursuance thereof to establish, organize, and maintain a system of public schools throughout the State, shall apply to Mobile County only so far as to authorize and require the authorities designated by law to draw the portion of the funds to which said county will be entitled for school purposes, and to make reports to the Superintendent of Education as may be prescribed by law. And all special incomes and powers of taxation, as now authorized by law for the benefit of public schools in said county, shall remain undisturbed until otherwise provided by the General Assembly; *Provided*, That separate schools for each race shall always be maintained by said school authorities.

ARTICLE XIII.

CORPORATIONS—PRIVATE CORPORATIONS.

1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal, manufacturing, mining, immigration, industrial, and educational purposes, or for constructing canals, or improving navigable rivers and harbors of this State, and in cases where, in the judgment of the General Assembly, the objects of the corporation cannot be attained under the general laws. All general laws and special acts passed pursuant to this section may be altered, amended, or repealed.

2. All existing charters or grants of special or exclusive privileges under which a *bona fide* organization shall not have taken place and business been commenced in good faith, at the time of the ratification of this Constitution, shall thereafter have no validity.

3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

4. No foreign corporation shall do any business in this State without having at least one known place of business and an authorized agent or agents therein, and such corporation may be sued in any county where it does business by service of process upon an agent anywhere in this State.

5. No corporation shall engage in any business other than that expressly authorized in its charter.

6. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased,

except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

7. Municipal and other corporations and individuals invested with the privilege of taking private property for public use, shall make just compensation for the property taken, injured, or destroyed by the construction or enlargement of its works, highways, or improvements, which compensation shall be paid before such taking, injury, or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by vieweers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury according to law.

8. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

9. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.

10. The General Assembly shall have the power to alter, revoke, or amend any charter of incorporation now existing, and revocable at the ratification of this Constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted shall create, renew, or extend the charter of more than one corporation.

11. Any association or corporation organized for the purpose, or any individual shall have the right to construct and maintain lines of telegraph within this State, and connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

12. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

13. The term corporation, as used in this article, shall be construed to include all joint stock companies, or any associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

BANKS AND BANKING.

14. The General Assembly shall not have the power to establish or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

15. No banks shall be established otherwise than under a general banking law, nor otherwise than upon a specie basis.

16. All bills or notes issued as money, shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning, directly or indirectly, the suspension by any bank or banking company of specie payment.

17. Holders of bank notes and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to the preference of payment over all other creditors.

18. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization (unless the General Assembly

shall extend the time), and promptly thereafter close its business; but shall have corporate capacity to sue and shall be liable to suit until its affairs and liabilities are fully closed.

19. No bank shall receive directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

20. The State shall not be a stockholder in any bank, nor shall the credit of the State ever be given, or loaned, to any banking company, association, or corporation.

RAILROADS AND CANALS.

21. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points in this State, and to connect at the State line, with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport, each, the other's freight, passengers, and cars, loaded or empty, without delay or discrimination.

22. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freights and passenger tariffs on railroads, canals, and rivers in this State.

23. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount other than as sold to the public generally, to any member of the General Assembly, or to any person holding office under this State or the United States.

24. No street passenger railway shall be constructed within the limits of any city or town, without the consent of its local authorities.

25. No railroad, canal, or other transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation, by general or special laws, other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all provisions of this article.

ARTICLE XIV.

EXEMPTED PROPERTY.

1. The personal property of any resident of this State to the value of one thousand dollars, to be selected by such resident, shall be exempted from sale on execution, or other process of any court, issued for the collection of any debt contracted, since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution.

2. Every homestead, not exceeding eighty acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town, or village, or in lieu thereof, at the option of the owner, any lot in the city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of two thousand dollars, shall be exempted from sale, on execution or any other process from a court, for any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage, lawfully obtained; but such mortgage or other alienation of such homestead, by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

3. The homestead of a family after the death of the owner thereof, shall be exempt from the payment of any debts contracted since the thirteenth day of July, one thousand



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eight hundred and sixty-eight, or after the ratification of this Constitution, in all cases, during the minority of the children.

4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

5. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

6. The real or personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance, or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations, and engagements of her husband, and may be devised or bequeathed by her, the same as if she was a *femme sole*.

7. The right of exemptions hereinbefore secured, may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and the wife, and attested by one witness.

ARTICLE XV.

OATH OF OFFICE.

1. All members of the General Assembly, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation, to wit:

"I, _____, solemnly swear [or affirm, as the case may be] that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability, so help me God." Which oath may be administered by the presiding officer of either house of the General Assembly, or any officer authorized by law to administer an oath.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

1. No person holding an office of profit under the United States, except postmasters whose annual salary does not exceed two hundred dollars, shall, during his continuance in such office, hold any office of profit under this State; nor shall any person hold two offices of profit at one and the same time under this State, except justices of the peace, constables, notaries public, and commissioners of deeds.

2. It is made the duty of the General Assembly to enact all laws necessary to give effect to the provisions of this Constitution.

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION.

1. The General Assembly may, whenever two-thirds of each house shall deem it necessary, propose amendments to this Constitution, which having been read on three several days, in each house, shall be duly published in such manner as the General Assembly may direct, at least three months before the next general election for representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next general election which shall be held for representatives, to open a poll for the

vote of the qualified electors on the proposed amendments, and to make a return of said vote to the Secretary of State; and if it shall thereupon appear that a majority of all the qualified electors of the State, who voted at said election, voted in favor of the proposed amendments, said amendments shall be valid, to all intents and purposes, as part of this Constitution, and the result of such election shall be made known by proclamation of the Governor.

2. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this State, unless the question of Convention, or no Convention, shall first be submitted to a vote of all the electors of the State, and approved by a majority of those voting at said election.

SCHEDULE.

In order that no injury or inconvenience may arise from the alterations and amendments made by this Constitution to the existing Constitution of this State, and to carry this Constitution into effect, it is hereby ordained and declared, 1. That all laws in force at the ratification of this Constitution and not inconsistent therewith, shall remain in full force, until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims, and contracts of this State, counties, individuals, or bodies corporate, not inconsistent with this Constitution, shall continue to be valid as if this Constitution had not been ratified.

2. That all bonds executed by or to any officer of this State, all recognizances, obligations, and all other instruments executed to this State, or any subdivision or municipality thereof, before the ratification of this Constitution, and all fines, taxes, penalties, and forfeitures due and owing to this State, or any subdivision, or to any municipality thereof; and all writs, suits, prosecutions, claims, and causes of actions, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this Constitution. All indictments which may have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this Constitution, shall be proceeded upon in the same manner as if this Constitution had not been ratified.

3. That all the executive and judicial officers, and all other officers in this State who shall have been elected at the election held in this State, on the third day of November, eighteen hundred and seventy-four, or who may have been appointed since that time, and all members of the present General Assembly, and all that may hereafter be elected members of the present General Assembly, and all other officers holding office at the time of the ratification of this Constitution, except such as hold office under any act of the General Assembly, shall continue in office, and exercise the duties thereof until their respective terms shall expire, as provided by the present Constitution and laws of this State.

4. This Constitution shall be submitted to the qualified electors of this State for ratification or rejection, as authorized and required by an act of the General Assembly of this State, entitled "An act to provide for the calling of a Convention to revise and amend the Constitution of this State," approved nineteenth day of March, Anno Domini, eighteen hundred and seventy-five.

5. If at said election the said Constitution shall be found to have been ratified by a majority of all the qualified electors voting at said election, the said new Constitution, so ratified, shall go into effect as the new Constitution of the State of Alabama within the time stated in the proclamation of the Governor, and shall thereafter be binding and obligatory as such upon all the people of this State, according to the provisions of said act, approved nineteenth day of March, Anno Domini, eighteen hundred and seventy-five.

6. That instead of the publication as required by section twelve of said act, the Governor of the State is hereby authorized to take such steps as will give general publicity and circulation to this Constitution in as economical manner as practicable.

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7. That all laws requiring an enumeration of the inhabitants of this State during the year eighteen hundred and seventy-five, are hereby avokied.

8. That the Board of Education of this State is hereby abolished.

9. The salaries of the executive and judicial and all other officers of this State who may be holding office at the time of the ratification of this Constitution, and the pay of the present members of the General Assembly, shall not be affected by the provisions of this Constitution.

LEROY POPE WALKER, President.



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